



MZA040014692022

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS-I  
AIZAWL JUDICIAL DISTRICT: AIZAWL**

Present : Laltlansangi Fanai, MJS

Date of Judgment: 26.02.2026

Police Case: AZL PS C.No.108/22, Crl.Tr.No.263/2022  
u/s 380/ 457 IPC

|                |                                                                      |
|----------------|----------------------------------------------------------------------|
| COMPLAINANT :  | State of Mizoram                                                     |
| REPRESENTED BY | Lalramhluni, APP                                                     |
| ACCUSED        | Lalmuanpuui (42) D/o<br>Vanramlawma (L) R/o Dinthar<br>Veng, Aizawl. |
| REPRESENTED BY | Saithangpuia Sailo & Ors.,<br>Advocate                               |

|                                    |            |
|------------------------------------|------------|
| Date of Offence                    | 11.02.2022 |
| Date of FIR/Report                 | 11.02.2022 |
| Date of Charge Sheet               | 14.02.2022 |
| Date of Framing of Charges         | 18.07.2022 |
| Date of commencement of evidence   | 30.10.2023 |
| Date on which judgment is reserved |            |
| Date of judgment                   | 26.02.2026 |
| Date of sentencing Order, if any   |            |

**Accused Details:**

| Rank of the Accused | Name of Accused | Date of Arrest | Date of Release on Bail | Offences charged with | Whether Acquitted or convicted | Sentence imposed | Period of Detention undergone during Trial for purpose of Sec.428 Cr.P.C. |
|---------------------|-----------------|----------------|-------------------------|-----------------------|--------------------------------|------------------|---------------------------------------------------------------------------|
| A1                  | Lalmuanpuii     | 13.02.2022     | 14.02.2022              | 380/ 457 IPC          | Acquitted                      | -                | 1 day                                                                     |

**JUDGMENT & ORDER****PROSECUTION STORY OF THE CASE**

1. A brief story of the case as alleged by the prosecution is that on Dt. 11.2.2022 @9:10 PM a written FIR was lodged by Lalremmawii W/o Abshalom of Tuikhuahtlang to the effect that on Dt. 11.2.2022 at around 6:00 PM some unknown person broke into their house by breaking the door lock and stole Puma sneakers, Helmet, Perfume, Foundation and a box of Mask, total v/o Rs. 7,100/- and requested to take necessary action. Hence, Aizawl PS C/No.108/22 Dt.11.2.2022 u/s 457/380 IPC was registered and duly investigated into.
2. During the course of investigation, the Investigating Officer interrogated the Complainant and visited the

place of occurrence. One witness who saw the culprit at the PO was also examined and recorded his statement. The accused was also interrogated and admitted her guilt and was consequently arrested. Among the stolen items, Puma Sneakers and a perfume were recovered from the possession of the accused while helmet, mask and make-up foundation could not be recovered as the accused had thrown away at the roadside on her way back from the PO. All the seized items (Padlock, Sneakers and Perfume) were handed back to the Complainant vide Zimmanama No. 29/22 Dt.12.02.2022. Hence, the case I/O found a prima facie case well established against the accused u/s 380/ 457 IPC and sent the case to Court for trial as per law.

### **CHARGE CONSIDERATION**

3. Copy of charge-sheet and other relevant documents were delivered to the accused at free of cost. The accused is represented by her Ld. Counsel Mr.Saithangpuia Sailo & Ors. Advocate. My Predecessor Court had framed charges ***u/s 380/ 457 IPC***. The charges were read over and explained to the accused in the language known to her to which she pleaded '***not guilty***' and claimed to be tried.

**EXAMINATION OF THE ACCUSED u/s 313 CrPC**

4. The accused was examined u/s 313 Cr.PC after prosecution evidence was closed. The accused ***Lalmuanpuii*** denied the allegations and stated that she was infuriated that her ex-boyfriend was living with another woman and she went to the PO for collecting her belongings. She called them through a telephone before going to the PO but they were absent at the PO. She then pulled open the door and collected her belongings and left. She further stated that the articles which she was accused of stealing were all her belongings. She expressed her willingness to adduce evidence in her favour.

**POINTS FOR DETERMINATION**

***1) Whether the accused on 11.02.2022 @ 6:00 PM committed lurking house-trespass by breaking the padlock of the Complainant's residence which is punishable u/s 457 IPC?***

***2) Whether the accused on the same date, time and place committed theft by stealing Puma Sneakers, Helmet, Perfume, Foundation and a box of mask total value of Rs. 7,100/- from the residence of the Complainant which is punishable u/s 380 IPC?***

**DISCUSSION, DECISIONS AND REASONS**  
**THEREOF**

5. I have carefully perused all the evidences on record. The Prosecution has examined 4 witnesses out of 6. Two witnesses, i.e. **P.W-3 and 6** were dropped from being a witness by this Court after summons were served several times. The accused has also examined 1 witness to testify in her favour.

6. **P.W-1 Lalremmawii** stated in para-2 of her cross-examination that no suspected person's name has been implicated in the instant case. In para-5, she stated that *"It is a fact that there is no proof or indication to ascertain the owner of the alleged SA"*. **P.W-2** Abshalom deposed as *"The next day, i.e. 12.02.2022 at around 10:00 AM, the Police Personnel seized our missing articles i.e., Puma Sneakers & Perfume from the possession of the accused Lalmuanpuii since there was a CCTV installation at the garage that captured the accused accessing our residence on 11.02.2022 during our absence"*. While being cross-examined, he stated in para-2 that *"It is a fact that I am not aware of the alleged stolen items"*. Also in para-3, he stated that *"There is no preparation in order to commit the alleged incident as the accused and myself were in good terms"*. Further in para-7, he stated that ever since he knew

the accused, she has no involvement in any activity that would tarnish her reputation.

7. **P.W-4** Lalbiaknunga Sailo deposed that on 12.02.2022, Police Personnel seized one Sneaker and Perfume from the possession of the accused Lalmuanpuii in his presence and he appended his signature in the Seizure Memo. On being cross-examined, he stated in para-4 that he did not see the SA when the arrest was done. He also stated in para-3 that he was called by the seizing team through a telephone and went to the PO for being a witness.
8. **P.W-5** PB Lianmawia deposed that on 11.02.2022 at around 6:15 PM when he was about to leave his workplace, he saw one woman at the garage walking to and fro. The woman requested him to call Shalom (P.W-2) and he did the same but the later did not pick up his call. Then the woman asked for the number of Maremi (P.W-1) which he did not have and left her. He also stated that he never knew that woman. While being cross-examined, he stated in para-3 that he did not see the CCTV Footage. Also in para-4, he stated that he did not see the accused entering the house of the Complainant. In para-5, he stated that he did not see the accused moving any object or material. Further in para-9, he stated that

there is no case of stolen property in the instant case.

9. Now, though **P.W-2** deposed about the existence of a CCTV Footage from which the accused was identified, no such electronic evidence was produced or exhibited before Court in the instant case. Further, the case I/O, i.e. **P.W-6** also failed to appear before Court in order to substantiate his allegation after being summoned several times. **P.W-1** admitted that there was no specific person mentioned in her complaint. **P.W-2** also stated that he had known the accused since 2016 and she had never been involved in any case that could tarnish her reputation and that they were in good terms. **P.W-4** admitted that he did not see the SA when the arrest was done. **P.W-5** also stated that he did not see the CCTV Footage and he did not see the accused entering the house of the Complainant. Further, he admitted that there was no case of stolen property in the instant case. Hence, from all the above evidences on record, there is no substantial evidence that could connect the accused with the allegations.

10. Now, **D.W-1** Zothanpuui deposed in para-3 of her examination-in-chief that she including the accused, Maruata, Mawitei, Kimkimi and Abshalom were together at the residence of the accused on that night since 4:00 PM in the evening and had dinner

together. She also deposed in para-5 that she had strong reason to believe that Abshalom's girlfriend had filed FIR out of hatred and jealousy. However, while being cross-examined, she stated that she had no documentary proof to show that she was with the accused on 11.02.2022 at around 6:00 PM.

11. Now, let me point out here that it is a settled principle that the burden of proof in criminal cases is always on the Prosecution to prove its case beyond reasonable doubt. The Apex Court in ***Rajiv Singh Vs. State of Bihar & Anr. reported in (2015) 16 SCC 369*** held that ***"It is well entrenched principle of criminal jurisprudence that a charge can be said to be proved only when there is certain and explicit evidence to warrant legal conviction and that no person can be held guilty on pure moral conviction"***. Also, the Apex Court in ***Nanjundappa Vs. State of Karnataka reported in 2022 SCC Online SC 628*** laid down that ***'the onus of proving all the ingredients of the offence is always on the prosecution and the burden never shifts on the accused at any stage'***. Ld.Counsel for the accused also submitted in his argument that the accused is entitled to the benefit of doubt. Also, the Apex Court in ***K.P.Thimmappa Gowda vs State of Karnataka (2011) 14 SCC 475***, held that ***"We***

***are of the opinion that the Appellant deserves the benefit of doubt because on careful consideration of the evidence on record, it cannot be said that the prosecution has been able to prove its case beyond reasonable doubt. In criminal cases, the rule is that the accused is entitled to the benefit of doubt if the Court is of the opinion that on evidence, two views are reasonably possible, one that the Appellant is guilty and the other that he is innocent, then the benefit of doubt goes in favour of the accused”.***

12. Hence, in the light of the above discussions and evidences on record, I deem it fit to acquit the accused from the charges leveled against her.

### **ORDER**

13. The accused ***Lalmuanpuii (43) D/o C.Vanramlawma (L) R/o Dinthar Veng, Aizawl*** is hereby acquitted from the offences charged against her and is set at liberty forthwith.

With this Order, the instant Cr. Tr. No. 263/2022 stands disposed of.

Given under the hand and seal of this Court on this  
**26<sup>th</sup> day of February, 2026.**

**Sd/-LALTLANSANGI FANAI**  
Judicial Magistrate First Class-I,  
Aizawl District, Aizawl, Mizoram.

**Memo No. JMFC(A)/Crl.Tr.263/2022/\_\_\_\_\_ : Dated  
Aizawl, the 26<sup>th</sup> February, 2026.**

**Copy to: -**

1. Accused Lalmuanpuii, D/o C.Vanramlawma (L), R/o  
Dinthar Veng, Aizawl.
2. Ld. APP.
3. Officer-in-Charge, Aizawl P/S.
4. Superintendent of Police, Prosecution Branch,  
Aizawl.
5. J.O Book.
6. Case Record.

**PESHKAR**

**APPENDIX**

**A. Prosecution Witnesses:-**

P.W-1: Lalremmawii

P.W-2: Abshalom

P.W-4: Lalbiaknunga Sailo

P.W-5: PB Lianmawia

**B. Defence Witness:**

D.W-1: Zothanpuui

**C. Prosecution Exhibits:**

Ext.P-I: FIR

Ext.P-III: Seizure Memo

**D. Defence Exhibits: Nil**

**Sd/-**

Judicial Magistrate First Class-I,  
Aizawl District, Aizawl, Mizoram.