

GAHC030000952024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CrI.A./10/2024

Sh. N.C. Muankima
S/o Kapluaia (L)
R/o Lawngtlai District, Mizoram.

VERSUS

The State of Mizoram
r/b the Secretary to the Govt. of Mizoram, Home Department, Aizawl, Mizoram.

Advocate for the Petitioner : Mr H Laltanpuia
Advocate for the Respondent : P.P./Addl.PP, Mizoram

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER

Date : 19.02.2024

Heard Ms. Lalmuankimi Khiangte, learned counsel for the appellant.

The learned counsel for the appellant submits that this is a criminal appeal filed under Section 374(2) Cr.PC, 1973 against the impugned Judgment & Order dated 19.01.2024 passed by the learned Special Judge, PC Act, Mizoram, Aizawl in SR (PCA) No. 01/2019, whereby the accused/appellant was convicted and sentenced under Section 120B/409/420 IPC and under Section 13(1)(d)/13(2) of the PC Act. The appellant was sentenced under Section 13(2) r/w 13(1)(d) of the PC Act r/w Section 120B of IPC to undergo 5 (five) years

imprisonment with a fine of Rs. 2 lakhs, in default imprisonment for 1 (one) year, on the sentence under Section 409 r/w 120B IPC to undergo 5 (five) years imprisonment with a fine of Rs. 2 lakhs, in default imprisonment for 1 (one) year, on the sentence under Section 420 r/w 120B IPC to undergo 5 (five) years imprisonment with a fine of Rs. 2 lakhs, in default imprisonment for 1 (one) year. The terms of sentences are to run concurrently.

The learned counsel submits that there are sufficient grounds to set aside the impugned judgment and order mainly on the grounds that the evidence was not appreciated correctly and further the evidence of the appellant and his explanation made under Section 313 Cr.P.C. was not fully appreciated by the learned Trial Court.

Admit the appeal.

LCR is to be called for.

Notice is to be issued to the State respondents.

Mrs. Linda L. Fambawl, learned Additional Public Prosecutor accepts notice on behalf of the State respondents.

List the matter **after 2 (two) weeks.**

JUDGE

Comparing Assistant