

GAHC030006322023



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

Case No. : I.A.(Crl.)/57/2023

C. Lalremliana
Vaphai
Champhai District
Mizoram

VERSUS

State of Mizoram and 3 Ors.
Aizawl
Mizoram

2:SI V.L. Chama Ralte
C/o Champhai P.S.
Champhai
Mizoram

3:Sh. Thanzuala
Vaphai
Champhai District
Mizoram

4:Sh. Lalramchullova
Vaphai
Champhai District
Mizoram

Advocate for the Petitioner : Mr A.R. Malhotra
Advocate for the Respondent : P.P./Addl.PP
Mizoram for R1 & R2

ORDER
BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

22.02.2024

In view of the Order passed today in I.A(Crl) No. 58/2023, the instant I.A is taken up for consideration. By filing this application under Section 378(4) of the Cr.PC, the applicant prays for leave to file an appeal against the Judgment & Order dated 19.07.2023 passed by the learned Addl. District & Sessions Judge, Champhai in S.R. No. 5/2019 corresponding to Criminal Trial No. 116/2019. The learned counsel for the applicant Mr. C. Tlanthianghlina submits that the respondent Nos. 3 & 4 were charged with Section 302/34 IPC but the learned Trial Court through the impugned Judgment & Order convicted the respondent No. 3 under Section 304 IPC Part-II while the respondent No. 4 was acquitted from the charge. He submits that the instant applicant is the informant and the viction/deceased is his younger brother.

Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor appears for the respondent Nos. 1 & 2 and submits that she has no objection if the Leave Application is allowed. In respect of the respondent Nos. 3 & 4, they have been served notice by way of Dasti in the application for condonation of delay i.e., I.A(Crl) No. 58/2023 but they have failed to appear before this Court either

personally or through their appointed counsel.

Considering the submission made today and the submissions made in the application and material available on record in its entirety, Court is inclined to grant leave to the applicant for filing an appeal against the impugned Judgment & Order of the Trial Court, as prayed for.

Accordingly, the application stands disposed as allowed by granting leave to application to file an appeal.

JUDGE

Comparing Assistant