

(1997) 08 AHC CK 0037

Allahabad High Court

Case No: Criminal Revision No. 900 of 1997

Saddish

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Aug. 12, 1997

Acts Referred:

- Uttar Pradesh Prevention of Cow Slaughter Act, 1955 - Section 3, 8

Hon'ble Judges: P.K.Jain, J

Final Decision: Allowed

Judgement

P.K. Jain, J.

Heard Sri S.P.S. Raghav, learned counsel for the revisionist and the learned A.G.A.

2. On 12/7/1997 S.O., P.S. Paikolia district Basti received information that some catties (cow and calves) were being transported for slaughter. The S.O. intercepted Truck No. UP15 4486 and recovered from it 37 cattels. A case under Section 5/8 of the Cow Slaughter Act was registered against the revisionist.

3. The revisionist applied for release of the cattle on the ground that he had purchased the catties from Vaidpurwa and was faking them for sale to Gonda. That application was rejected by the learned Magistrate on the ground that in case the catties are released they are likely to be slaughtered.

4. Learned counsel for the revisionist has challenged this order and has vehemently argued that there was no material before the learned Magistrate on the basis of which it could be said that the catties were being transported for slaughtering. Merely on the basis of suspicion that the cattle's might be slaughtered the application for release can not be refused. The catties are in the custody of the police since 12/7/97. No material appears to have been collected so far showing that the catties in question were being transported for slaughtering. The case of the revisionist is that he carried on the business of purchase and sale of catties and he was taking the same to Gonda for purposes of the said business. Prima facie there is no

material raising suspicion about the above claim of the revisionist. In any case, that is question of fact which will be finally decided during the trial. The catties can not be detained indefinitely and can not be looked after properly by the Supurdagar. In these circumstances, the revision deserves to be allowed and is hereby allowed. The learned Magistrate is directed to release the catties in favour of the revisionist after taking adequate security.

Revision allowed.