

(1991) 05 AHC CK 0087

Allahabad High Court

Case No: Criminal Miscellaneous Application No. 7017 of 1991

Sunder Singh

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision: May 30, 1991

Acts Referred:

- Prevention of Cruelty to Animals Act, 1960 - Section 11
- Uttar Pradesh Prevention of Cow Slaughter Act, 1955 - Section 5A, 8

Citation: (1991) 15 ACR 404

Hon'ble Judges: G. Malaviya, J

Bench: Single Bench

Advocate: S.P. Sharma, for the Appellant;

Final Decision: Dismissed

Judgement

G. Malaviya, J.

Heard the learned Counsel for the applicant. A perusal of the order dated 16-5-1991 passed by the 1st Additional Munsif Magistrate, Kasia, district Deoria in Crime Number 112 of 1991, u/s 5A/8 of the U.P. Prevention of Cows Slaughter Act read with Section 11 of the U.P. Prevention of Cruelty of Animals Act, police station Hata, district Deoria reveals that the Driver of Truck number U.R.M. 8116 had made an application for release of the said Truck. The application was, however, dismissed on the ground that the Truck was a case property.

2. The application even otherwise could not have been allowed as no vehicle can be released in favour of its Driver, Only when the owner of the vehicle makes an application for its release, the question of release of the Truck could be considered. However, it may be observed that in these type of cases it is always desirable that the court dealing with the matter should direct release of the case property, provided it is not involved in a very serious type of offence if the person makes an application to the court with an undertaking to produce the vehicle before the court

again in the same condition in which it was at the time of the commission of the crime. To ensure this condition, the court may direct the applicant to get the coloured photographs of the vehicle taken from different angles. However, release should always be subject to the person furnishing adequate security for the full value of the vehicle sought to be released.

3. With the observations made above, this application is dismissed.