

Alamgir and Others Vs State of U.P.

Court: Allahabad High Court

Date of Decision: July 12, 1991

Citation: (1991) 15 ACR 456

Hon'ble Judges: N.L. Ganguli, J

Bench: Single Bench

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

Final Decision: Disposed Of

Judgement

N.L. Ganguli, J.

Twenty-seven cattle (cows) were seized and the prosecution is going on under the Anti-Cows Slaughter Act. The cows are the case property and are given in custody of the supardar. The application for release of the cattle was moved by the applicant, who is

accused in the case. At the initial stage the application for release of cattle was rejected. A revision was filed. The matter was remanded back for

deciding the ownership of the cattle in the question and for passing suitable order on the application for release. The learned Chief Judicial

Magistrate, Sonbhadra, vide order dated 6-5-91 directed that the bail bond and security of Rs. 7,000/- for each animal be filed for release of the

cattle in favour of the applicant besides the other two conditions. The learned Counsel submit that the cows in question are old and if the total value

of the entire cattle are calculated according to the amount fixed by the court below, it would be more than Rs. 6 Lakhs. Such an order is

prohibitive and deterrent order. If such order is allowed to stand, it would amount negation of the order of release of cows in favour of the

applicant despite the order itself. The order, therefore, is not just and proper.

2. I have examined the seizure memo. It mentions that the cows are old ones. I consider that the amount of 7,000/- fixed for each cow is slightly

excessive. It should be based reasonably on the basis of the value of the cattle in question.

3. I have heard learned A.G.A. He has no objection if the petition is decided at this stage. I quash the order dated 16-5-1991 and direct the court

to consider the amount of personal bond security after assessing the value of the cattle and pass suitable orders for its release. With these directions

the petition is disposed of.