

Court No. - 92

Case :- APPLICATION U/S 482 No. - 32665 of 2023

Applicant :- Sahzaad

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Chitranshu Srivastav, Tabish Yusufi

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Chitranshu Srivastava, learned counsel for the applicant and Sri Akhilesh Kumar Srivastava, the learned AGA appearing for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the order dated 27.06.2023 passed by the Chief Judicial Magistrate, Basti as well as the entire proceedings of Case Crime No. 22 of 2023, under Sections 3/5A/8 U.P. Prevention of Cow Slaughter Act and Section 11 of the Prevention of Cruelty to Animal Act, 1960, P.S. Purani Basti, district Basti.

3. Learned counsel for the applicant submits that he is the owner of the vehicle allegedly involved in the incident of carrying cow species. However, learned counsel for the applicant submits that the applicant has already sold the said vehicle to some one through affidavit and no transfer of vehicle has actually taken place in the name of the purchaser of the said vehicle. Therefore, learned counsel for the applicant submits that the applicant has no connection with the crime alleged to the owner of the said vehicle.

4. Learned AGA appearing for the State submits that since the actual transfer of vehicle has never taken place, then the applicant is continued to be the owner of the vehicle for all practical purposes in view of the provisions of the Motor Vehicles Act and since this matter is pending and the applicant herein is continuously absconding, therefore, on the application made by the investigating agency, the impugned order issuing non-bailable warrant against the applicant has been passed. Therefore, there is no illegality in the impugned order dated 27.06.2023 passed by the learned Magistrate.

5. Having considered the rival submissions made by the parties, the submission of the applicant that he had already sold the vehicle

to someone else is on the basis of an affidavit and no transfer has actually taken place, therefore, for all practical purposes, the applicant herein continues to be the owner of the vehicle as per the provisions of the Motor Vehicles Act. The vehicle was found carrying the cow species in violation of provisions of Prevention of Cruelty to Animal Act, therefore, prima facie a case is made out against the applicant herein and the applicant absconding from the proceedings initiated against him, therefore, there is no illegality in the impugned order passed by the learned Magistrate.

6. In view of the above, the instant application is devoid of merits and is hereby, **dismissed**.

Order Date :- 12.10.2023

Ashish Pd.