

Court No. - 12

Case :- CRIMINAL REVISION No. - 1135 of 2023

Revisionist :- Musir

Opposite Party :- State Of U.P Thru. Prin. Secy. Civil Sectr. Lko.

Counsel for Revisionist :- Deo Raj Singh, Adarsh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the revisionist, learned AGA and perused the record.

2. Present petition is filed with the following prayer:-

"To quash/set aside the order dated 21.7.2023 passed in Criminal Appeal No.31 of 2023 and also quash the order dated 29.11.2022 passed in case no. 2030 of 2022 under Section 5 of U.P. Cow Slaughter Act, 1955 by District Magistrate, Lakhimpur Kheri and release the alleged seized vehicle no. UP31 T 7958."

3. Learned counsel for the applicant submitted that the applicant is a registered owner of the vehicle in question which was hired by Shahrukh for transporting buffalo meat as Shahrukh was licensee for running the business of buffalo meat and the vehicle in question was stopped by the police officers but at that time the license could not be shown therefore, the vehicle in question was challaned along with the other co-accused persons for the offense under Section 3/5/8 of U.P. Cow Slaughter Prevention Act by registering of FIR No. 397 of 2022. Chargesheet was filed by the investigating officer without considering the fact that Shahrukh was having valid license for running business of buffalo meat. He also submitted that as the vehicle of the applicant was also confiscated and the District Magistrate initiated the proceedings under Section 5(7) of U.P. Cow Slaughter Act, 1955 and the reply was filed but the same was rejected in the most mechanical manner with the direction to deposit Rs. 4,40,000/- failing which the vehicle in question would be auctioned. Thereafter appeal was filed which was also rejected by the Appellate Court without considering the grievance of the applicant therefore, kind indulgence of this Court is necessary.

4. Learned AGA opposed the prayer of the applicant and submitted that there is no illegality in the order passed by the District Magistrate which was upheld by the Appellate Court

either to deposit Rs. 4,40,000/- or the vehicle would be auctioned. As the vehicle in question was involved in the case related to the FIR No.397 of 2022 (supra), therefore petition is liable to be dismissed.

5. Considering the submission of rival parties and going through the contents of petition, as learned District Magistrate as well as the appellate authority failed to consider this fact that Shahrugh was having valid license for running the buffalo meat business and as the FSL report is still awaited, as the vehicle in question is detained in the concerned police Station which is being deteriorated therefore order of District Magistrate is modified with the direction that the vehicle in question be released in favour of the registered owner forthwith after taking personal bond of Rs. 4,40,000/- and the same shall be subject to the decision of trial of case in question.

7. Accordingly, revision is **allowed**.

Order Date :- 28.10.2023

Vipul