

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7986 of 2023

Petitioner :- Adil

Respondent :- State Of U.P. Thru. Secy. Home Deptt. U.P. Lko. And Others

Counsel for Petitioner :- Pawan Kumar Nigam

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioner, learned A.G.A. for the State Respondents.

2. This writ petition has been filed with the following main prayer:-

"(i) issue a writ, order or direction in the nature of Certiorari, quashing the impugned F.I.R. dated 13.08.2023 registered with Police Station-Kotwali Dehat, District-Gonda in FIR No./ Case Crime No. 0447/2023, U/S- 3/5A/8, U.P. Prevention of Cow Slaughter Act & Section-11 of Prevention of Cruelty to Animals Act 1960, (contained as Annexure No. 1) to this writ petition.

(ii) issue a writ, order or direction in the nature of Mandamus, commanding the opposite parties not to arrest the petitioner in FIR No./ Case Crime No. 0447/2023, U/S- 3/5A/8, U.P. Prevention of Cow Slaughter Act & Section- 11 of Prevention of Cruelty to Animals Act 1960, Police Station-Kotwali Dehat, District-Gonda, in the interest of Justice"

3. It has been submitted by learned counsel for the petitioners that all the Sections invoked against the petitioner in the impugned F.I.R. carry the sentence of upto 7 years of imprisonment and therefore the petitioners are entitled for the benefit of the judgement rendered by the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar**, reported in **(2014) 8 SCC 273**.

4. Learned A.G.A. for the State Respondents says that the U.P. Prevention of Cow Slaughter Act has been amended and now the punishment is upto ten years.

5. This Court finds no good ground to show interference in the impugned F.I.R as the cognizable offence is made out.

6. The writ petition stands **dismissed**.

Order Date :- 13.10.2023/DS