

GAHC010173942023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./302/2023

MD NUJAR ALI @ NAJAR ALI
S/O LT. ABDUL KARIM PERMANENT R/O BASUNDARI P.O. AND P.S.
JAGIROAD DIST. MORIGAON ASSAM PIN 782412

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

11.01.2024

Heard Mr N Boruah, learned counsel for the petitioner and Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

2. Case Diary as called for is not received.
3. It is submitted on behalf of the petitioner that 19 cattle were seized in connection with this case and the cattle are in the grazing field at Morigaon district under Jagiroad Police Station.

4. The Case Diary has been called for on several dates, but the Case Diary is not forwarded.
5. Meanwhile, the cattle is not provided with sufficient nutrition and it will tantamount to cruelty to animals. Earlier, prayer for zimma was rejected vide impugned order dated 31.07.2023, by the learned Additional CJM, Morigaon, in connection with Jagiroad PS Case No. 182/2023, under Section 379 IPC, read with Section 13 (1) of the Assam Cattle Preservation Act, 2021, read with Sections 11(1)(a) and 11(1) (b) of the Prevention of Cruelty to Animal Act, 1960.
6. It is submitted on behalf of the petitioner that the petitioner is the owner of the cattle and he has relevant documents to prove that he is the owner of the cattle. The documents relating to purchase of cattle have been submitted along with this petition, marked as Annexure-C.
7. I have considered the submissions at the Bar with circumspection.
8. As the Case Diary has not been forwarded, the petitioner is directed to appear before the learned trial Court and apply for zimma of the aforesaid cattle, which may be considered by the Court as per law, after going through the relevant documents relating to the purchase of cattle.
9. Criminal Revision Petition stands disposed of.

JUDGE

Comparing Assistant