

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 693 of 2015

1. Hemant Yadav, S/O. Narayan Yadav, Aged About 25 Years, R/O Nehru Nagar Road, Nayapara, Ward No. 22, Dhamtari, Post Office & Police Station Dhamtari, Tah. And Distt. Dhamtari Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through District Magistrate, Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For Petitioner	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/09/2015

1. Challenge in this petition is to the order dated 08.07.2015, passed by the learned Sessions Judge, Dhamtari, District Dhamtari, in Criminal Revision No.35/2015, wherein an application filed under Section 457 of Cr.P.C. to get the possession of the vehicle, seized under the Chhattisgarh Agricultural Cattle Preservation Act, 2004 has been dismissed on the ground that statutory bar exists under sub-section (2) & (3) of Section 6 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004.
2. Section 6 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 are reads as under :-

“6. Prohibition of transport of Agricultural cattle for slaughter – [(1)] No person shall sell, or transport or

offer to transport or cause to be transported any Agricultural cattle from any place within the state to any place within the State or outside the State, for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be, so slaughtered.

[(2) Whenever any person transports or causes to be transported in contravention of provisions of sub-section (1) any agricultural cattle as specified in the Schedule, such vehicle or any conveyance used in transporting such animal alongwith such agricultural cattle shall be liable to be seized by such authority or officer as the State Government may appoint in this behalf.

(3) The vehicle or conveyance so seized under sub-section (2) shall not be released by the order of the court on bond or surety before the expiry of six months from the date of such seizure or till the final judgment of the court, whichever is earlier and such vehicle shall also be liable for confiscation at the end of the trial.]”

3. Reading of the order shows that in this case, the seizure was made on 14.06.2015, therefore, necessarily six months have not passed. Consequently, a statutory bar exists to exercise the power to grant possession of the vehicle.
4. In the result, I do not find any merit in this case to invoke the jurisdiction under Section 482 of the Code of Criminal Procedure. In a consequence, the petition has no merit and it is dismissed accordingly.

Sd/-
(Goutam Bhaduri)
Judge