

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 828 of 2015

Ram Chandra Kaudo (Nag) S/o. Nandlal Kaudo, Aged About 30 Years, R/o. Village Chhindali Badedongar, Police Station- Badedongar, Tahsil Farasgaon Revenue & Civil Distt. Kondagaon (C.G.)

---- Petitioner

Versus

State of Chhattisgarh, Through P.S. Balod, District Balod (C.G.).

---- Respondent

For Petitioner : Mr. P.K.Tulsyan & Mr. Siddharth Bajpai,
Advocate.
For Respondent/State : Ms. Farah Minhaj, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/09/2015

1. Heard on admission.
2. This is a petition under Section 482 of Cr.P.C. against the order dated 01.08.2015 passed by the learned Sessions Judge, Balod, in Criminal Revision No.33/2015. By such order, the order dated 10.07.2015 passed by the J.M.F.C. Balod in Criminal Case No.843/2015 in between *State v. Jethuram & Others*, was affirmed.
3. Learned counsel for the petitioner submits that the issue pertains to rejection of the custody of the vehicle. He submits that in order to attract the applicability of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 (*for short "the Act, 2004"*), the prosecution has to initially establish the *prima facie* fact that the cattle were being transported in the vehicle were meant for slaughter and unless and until it is *prima facie* established that the cattle were

being taken for slaughter, the provisions of Section 6(3) of the Act, 2004 will not come into play. He further submits that the bar of six months is not applicable in the facts given in this case.

4. Per contra, learned State counsel opposes the argument advanced by the learned counsel for the petitioner.
5. I have heard learned counsel appearing for the parties and perused the order placed before this Court.
6. Perusal of the order reflects that in between intervening night of 30.06.2015 and 01.07.2015, on information being received that the cattle are being transported for slaughter, the vehicle was intercepted near village Karhibhadar and it was found that seven cattle were being transported in the vehicle and Jethuram, Sukka Singh, Rassu, Guddu, Ramchand could not show any valid document about such transportation of the cattle. Thereafter after investigation, the charge sheet has been filed.
7. Perusal of the order further shows that the charge sheet has been filed and the petitioner is facing trial under the provisions of the Act, 2004. Undoubtedly, seizure has been made under the Act. Perusal of the order shows that when the cattle were seized, no document could be produced by the carrier of the vehicle. Consequently, after investigation, the charge sheet has been filed which is still to be adjudicated and *prima facie* it was found that the offence has been committed under the Act, 2004.
8. Sub-section 3 of Section 6 of the Act, 2004 reads as under :

“(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.”

9. Perusal of the order shows that since *prima facie* case is made out that the seizure of the vehicle has been made on 30.06.2015, consequently, taking the date of seizure on 30.06.2015 by application of sub-section 3 of Section 6 of the Act, 2004, in the opinion of this Court, no illegality has been committed by the Court below while passing the order dated 01.08.2015.
10. Accordingly, the petition has no merit and is dismissed at the motion stage itself.

Sd/-
(Goutam Bhaduri)
JUDGE

Ashok