

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRR no.3141 of 2014(O&M)

Date of Decision : 23.04.2015

Aslam @ Chini

....Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Rajesh Lamba, Advocate for the petitioner

Mr. P.S.Chauhan, Addl. AG, Haryana with  
Mr. Himmat Singh, AAG, Haryana

**MAHESH GROVER, J.**

The petitioner questions his conviction recorded by the impugned judgments dated 23.1.2013 and 9.9.2014. The charge against the petitioner was that he was engaged in selling beef which fact was discovered by the police upon secret information. Raid was conducted and petitioner was apprehended in his house with a knife preparing chunks of beef for sale. 20Kgs of beef was found which was weighed and taken in possession. Both the Courts recorded the conviction of the petitioner.

The petitioner on turn had pleaded false implication.

Learned counsel for the petitioner states that no independent witnesses were examined, the recovery is doubtful and even the meat being beef would be questionable as no proper chemical examination was conducted. Records were requisitioned and its perusal would show that no chemical examination was done. This fact had been recorded by the court below. The meat was determined to be beef on the basis of opinion given by PW 1 an expert and as per the data produced before the Court from

internet under the heading meat and meat products. As per this opinion which is extracted herebelow, the Court concluded that the meat was beef and thus proceed to convict the petitioner:-

| Species | Meat               |         | Fat                  |       |          |                      |
|---------|--------------------|---------|----------------------|-------|----------|----------------------|
| Beef    | Bright to dark red |         | White or cream white |       |          |                      |
| Goat    | Light to dark red  |         | Chalk white          |       |          |                      |
| Pork    | Grey pink to grey  |         | Red white            |       |          |                      |
| Fat     | Palmetic           | Stearic | Palmetoleic          | Oleic | Linoleic | linolenicArachidonic |
| Beef    | 29                 | 20      |                      | 42    |          |                      |
| Pork    | 28                 | 13      | 3                    | 46    |          |                      |
| Mutton  | 25                 | 25      |                      | 39    |          |                      |

In the considered opinion of this Court, formulating a conclusion on a bare visual examination of the meat product to establish it to be beef and to form it basis of conviction would be erroneous. In the absence of any chemical examination, bare visual examination of the meat cannot acquire a conclusive substitute for a chemical examination.

If that be so then in the view of this Court, the prosecution has failed to establish the case against the petitioner beyond the reasonable shadow of doubt. The conviction of the petitioner is therefore set aside. Revision petition stands allowed.

April 23, 2015  
rekha

(Mahesh Grover)  
Judge