

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.01.28 15:17
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CRR No. 3393 of 2014 (O/M)
Date of decision : 19.1.2015

Jamshed

..... Petitioner

Versus

State of Harayna

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gautam Dutt, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH, J. (ORAL)

By way of present revision, the accused/revisionist has challenged the judgment dated 5.9.2014, passed by the learned Sessions Judge, Mewat, affirming the judgment of conviction and order of sentence dated 10/11.6.2013, passed by the learned Judicial Magistrate 1st Class, Nuh, whereby the present revisionist was convicted under Section 11 of Prevention of Cruelty of Animals Act, 1960, as well as under Section 4-A read with Section 8 of the Punjab Prohibition of Cow Slaughter Act, 1955. The revisionist was sentenced to undergo rigorous imprisonment for 1 ½ years and pay fine of Rs. 2,000/-, in default thereof, to undergo further simple imprisonment for three months under Section 4-A read with Section 8 of the Punjab Prohibition of Cow Slaughter Act, 1955. The revisionist was further ordered to pay fine of Rs. 50/- under Section 11 of Prevention of Cruelty of Animals Act, 1960.

In nutshell, the allegations against the present revisionist are that on 18.2.2010, the police party headed by ASI Vijay Pal received a secret information that the present revisionist, who is involved in cow slaughtering, is transporting six cows which are physically weak, from Haryana to Rajasthan for slaughtering them. The mouth and feet of the said cows are tied with ropes and that he will be crossing Palla hills and will go towards Churpur (Rajasthan) for slaughtering the cows. On the basis of said information, the picketing was laid. A vehicle marka Mahindra Max was seen coming from the side of Palla hills and was stopped. On seeing the police party, the accused ran away from that place. However, the secret informer identified him (accused) to be Jamshed son of Nooru, resident of Multan, P.S. Nagina, District Mewat. 6 cows were recovered from the said Mahindra Max. It was found that the mouth and feet of the cows were tied with ropes and they were tugged in the said Mahindra Max one over the other. The recovered cows were taken into possession.

I have heard learned counsel for the revisionist and have also carefully gone through the file.

Learned counsel for the revisionist has argued that the learned Judicial Magistrate 1st Class, Nuh, as well as the learned Sessions Judge, Mewat, have erred in holding that the offences have been proved against the accused/revisionist. It has been argued that the revisionist is not connected with the crime.

On a query from the Court, the learned counsel has admitted that the Mahindra Max, from which the cows were recovered, is owned by the present revisionist. No explanation is coming during trial as to how the cows with mouth and legs tied with ropes and tugged over each other were found in the Mahindra Max, owned by the present revisionist/accused. The case of the accused is that of complete denial. The accused/revisionist was identified by the secret informer and his name also finds mentioned in the FIR.

I do not find any merit in the contention of the learned counsel for the revisionist that the cows were not being taken for slaughtering. The mouth and legs of six cows were tied with ropes and they were tugged over each other goes to show that what fate was waiting for them. The judgment of the learned Judicial Magistrate 1st Class, Nuh, as well as the judgment of the learned Sessions Judge, Mewat, are supported by strong reasoning and there is nothing to disagree with the same. Accordingly, I do not find any ground to interfere with the concurrent findings recorded by the learned Judicial Magistrate 1st Class, Nuh, as well as the learned Sessions Judge, Mewat.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

19.1.2015
sjks