

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

**RESERVED ON : 10th JULY, 2015
DECIDED ON : 6th AUGUST, 2015**

+ CRL.REV.P. 67/2015

PAPPU RAM & ORS. Petitioners
Through : Mr.Yogesh Kumar, Advocate.

VERSUS

STATE & ANR. Respondents

Through : Mr.Navin K.Jha, APP.
Mr.S.D.Windlesh, Advocate for
R2.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J.

1. The instant revision petition has been preferred by the petitioners to challenge the legality and correctness of order dated 03.11.2014 of learned Addl. Sessions Judge whereby order dated 08.08.2014 of learned CMM was modified to the extent that there would be no waiver to pay maintenance charges. The revision petition is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the file. By an order dated 08.08.2014 the learned CMM

allowed the applications of the petitioners therein to release the oxen on superdari. Para No.17 of the said order records that maintenance costs after 14.03.2014 till 08.08.2014 would not be payable by the owners of 31 oxen. The said order was challenged by respondent No.2 in CrI.A.No.135/14. The learned Addl. Sessions Judge while upholding order dated 08.08.2014 regarding release of oxen on superdari, modified para No.17 and directed that maintenance costs shall be payable by the owners till the date of release of the oxen to them. Being aggrieved and dissatisfied, the instant revision petition has been preferred by some of the owners / petitioners.

3. It is a matter of record that the oxen seized were kept in Sri Krishna Gaushala. Vide order dated 14.03.2014, they were ordered to be released on superdari to the owners. Petitioners' case is that they were prevented from taking custody of the oxen. On 18.03.2014 when they went to Gosadan to take custody of some animals, their vehicle was put on fire for which FIR No.252/14 was lodged. The complainant filed revision petition challenging order dated 14.03.2014 and its operation was stayed by learned Addl. Sessions Judge vide order dated 19.03.2014. The order was set aside on 24.05.2014. The owners were directed to appear before the learned Trial Court to move the application afresh. Again, order dated

08.08.2014 was passed for release of the animals which was challenged in revision. Operation of the order dated 08.08.2014 too was stayed by the revisional Court. It was finally disposed of on 03.11.2014. Apparently, during this period certain number of oxen which could not be released remained in the Gaushala and were maintained by it. Needless to say that petitioners cannot deny their liability to pay maintenance charges during the period the oxen remained in the custody of Gaushala. Record reveals that 'owners' could not get the animals released on superdari due to stay of operation of the said orders. For that, Gaushala can't be blamed to be deprived of its reasonable maintenance charges. There are no allegations if any official of Gaushala was responsible for illegal retention or detention of the animals. No sound reasons exist in the order dated 08.08.2014 for waiver of maintenance charges. The learned Addl. Sessions Judge was justified to order payment of maintenance charges incurred by Gaushala for the maintenance and treatment of the animals in compliance of the provisions of Prevention of Cruelty to Animals Act, 1960.

4. Impugned order dated 03.11.2014 of learned Addl. Sessions Judge is based upon fair appraisal of the facts and circumstances and warrants no intervention.

5. The revision petition lacks merit and is dismissed.
6. Trial Court record be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

AUGUST 06, 2015 / *tr*