

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 909 of 2015

Mukesh Yadav S/o Kishan Prasad Yadav Aged About 25 Years
Occupation Ranching, R/o Kayaghat, Police Station City Kotwali, Tahsil
And Distt. Raigarh Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through S.H.O., Police Chowki Jute Mill, District
Raigarh Chhattisgarh.

---- Respondent

For Petitioners	:	Mr. Amit Sharma, Advocate.
For Respondent-State	:	Mr. Rajendra Tripathi, P..L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01.07.2016

1. Heard on I.A. No. 1/2016 which is an application for urgent hearing.
2. Considering the reasons assigned in the said Application the same is allowed.
3. The present Petition has been filed challenging the order dated 04.09.2015 passed by the Special Judge, District – Raigarh in Criminal Revision No. 78/2015. Vide the said order the Court below upheld the order dated 22.08.2015 passed by the Chief Judicial Magistrate, Raigarh in Criminal Case No. 602/2015 wherein the Application under Section 457 of the Cr.P.C. preferred by the Petitioner has been rejected.

4. Learned Counsel for the Petitioner submits that the present Petitioner is a dairy owner and that he purchased 6 buffaloes for his personal use at his dairy farm but the same were subsequently seized by the Police authorities for the offence under Section 4(6)(10) of the Chhattisgarh Agriculture Cattle Preservation Act and Section 1 (B) of Chhattisgarh Animal Cruelty Act. Vide the order dated 22.08.2015, the said cattle were sent to the custody of the Respondent and have been kept in a Government Goshala. Since the cattle are not being taken care of properly in the Goshala one of the buffalo has died, therefore he has moved an application for urgent hearing for urgent release of the cattle or else remaining cattle may also have the same fate.
5. Considering the total facts and circumstances and taking note of fact that in any case the animals are under the possession of the Respondent for almost 1 year and in between one of the buffalo as stated by the Counsel for the Petitioner has died, in the opinion of this Court this is a fit case where the said remaining buffaloes for the present can be released to the Petitioner subject to the following conditions:
 - (a) That the seized cattle would be given to the Petitioner on his furnishing a supurdnama to the satisfaction of the Trial Court.
 - (b) The value of the cattle shall be ascertained by the Trial Court and according to the valuation the Petitioner would be required to furnish the solvents surety to the satisfaction of the Trial Court and this surety should be given by a local resident of the concerned district.

(c) The Petitioner shall not move those cattle beyond the jurisdiction of the Police Station – City Kotwali, District – Raigarh (C.G.).

(d) The Petitioner shall not either sell the buffaloes nor shall he create a 3rd party right over these cattle without the leave of the Court. The Petitioner shall be bound to submit report relating to all cattle before the Trial Court in a gap of every 2 months.

6. With the aforesaid terms the Cr.M.P. is allowed.

Sd/-

(P. Sam Koshy)
Judge