

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Crl. Revision 1000 of 2011**

Date of Decision : May 10, 2016

Nasru

.....Petitioner

**VERSUS**

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN**

Present : Mr. Rajesh Lamba, Advocate

Mr. Dhruv Dayal, Deputy A.G., Haryana.

**T.P.S. MANN, J. (Oral)**

The petitioner was tried for committing the offences under Sections 3/8 and 5/8 of the Punjab Prohibition of Cow Slaughter Act, 1955 (hereinafter referred as '**the Act**') on the allegations that on 11.7.2006 at about 4.15 p.m., he was slaughtering cow and selling the beef besides keeping in his possession 50 kgs of beef. Vide judgment and order dated 10/12.1.2009, learned Judicial Magistrate 1<sup>st</sup> Class, Ferozepur Jhirka convicted him for the offence under Sections 3/8 of the Act and sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs. 5,000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 90 days. He was also convicted under Sections 5/8 of the Act and sentenced to a similar term of imprisonment and fine alongwith its default clause. Both the sentences were ordered to run consecutively.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal. Vide judgment dated 2.2.2011, learned Additional Sessions Judge, Nuh upheld his conviction as well as sentence of imprisonment and fine imposed upon him. However, his substantive sentences of imprisonment were ordered to run concurrently. Still not satisfied, he preferred the present revision in which he was granted the concession of suspension of his sentence of imprisonment vide order dated 6.7.2011.

After hearing learned counsel for the parties and on going through the judgments passed by the Courts below, this Court finds that the prosecution has examined Dr. Amar Singh Solanki, Veterinary Surgeon as PW1, HC Sheesh Ram as PW2, ASI Laxman Singh as PW3, HC Chanderpal as PW4 and retired Sub Inspector Sukhdev Singh as PW5. Merely because no independent witness was joined in the investigation and search proceedings is not sufficient to discard the prosecution case. Moreover, an attempt had been made to associate the members of the public, who had gathered at the house of the petitioner but none was ready to join in the investigation. The defence could not bring any material on the record to show that the petitioner had been falsely implicated in the case.

In view of the above, no case is made out for

interfering in the impugned judgments to the extent of convicting the petitioner of the charges against him.

As regards the quantum of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last ten years. He is stated to be a poor person and only bread winner of his family. He is also not a previous convict. As per the custody certificate already brought on record by the learned State counsel, he has undergone an actual sentence of five months and twenty days. He is now on bail pursuant to the order passed by this Court. There is no allegation that during the pendency of the revision, he has misused the concession in any manner.

After hearing learned counsel for the parties and taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the petitioner behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice would be suitably met, if his substantive sentences of imprisonment on both the counts are reduced to the one already undergone by him. At the same time, the fine imposed can be suitably enhanced.

Resultantly, the conviction of the petitioner for the offences under Sections 3/8 and 5/8 of the Punjab Prohibition of

Cow Slaughter Act, 1955 is upheld. His substantive sentences of imprisonment on both the counts shall stand reduced to the one already undergone by him. However, the fine of Rs. 5,000/- imposed upon him on each of the counts is enhanced to Rs. 15,000/-. In default of payment of enhanced amount of fine, he shall undergo rigorous imprisonment for six months on each count.

The revision is, accordingly, disposed of.

**May 10, 2016**  
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**( T.P.S. MANN )**  
**JUDGE**