

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

Crl. Revision 2500 of 2011
Date of Decision : April 29, 2016

Ikram

.....Petitioner

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. Satish Chaudhary, Advocate

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

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

The petitioner was tried for committing the offence punishable under Section 8 of the Punjab Prohibition of Cow Slaughter Act, 1955 (hereinafter referred to as “**the Act**”) for contravening the provisions of Section 3 of the said Act. Vide judgment and order dated 12/14.3.2009, learned Sub Divisional Judicial Magistrate, Nuh convicted him under Section 8 of the Act and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 5,000/- and in default of payment of fine, to undergo simple imprisonment for one month.

Aggrieved of his conviction and sentence, the petitioner filed an appeal which came up for hearing before learned Additional Sessions Judge, Nuh. Vide judgment dated

15.7.2011, learned lower appellate Court found no merit in the appeal and, accordingly, dismissed the same. Still not satisfied, the petitioner filed the present revision in which he is on bail.

The case of the prosecution, in nutshell, has been stated by the lower appellate Court in paras 2 and 3 of its judgment, which is reproduced here below:-

“Facts of the case are that one Pehlad Singh Head Constable alongwith other police officials was present at turn of village Bai in connection with patrolling and crime checking when he received a secret information that accused-appellant is slaughtering the cows in the Pahar of village and if a Nakabandi was conducted, the offender with slaughtered cows could be nabbed. On this information, Head Constable Pehlad Singh with the help of other police officials conducted a Naka at the disclosed place and saw that a person was slaughtering a calf. He slaughtered the neck and the legs of calf and separating the skin. The police party caught the accused red handed at the spot, who disclosed his name as Ikram son of Noordeen. The police party also recovered 60-70 kgs beef alongwith freshly slaughtered skins, one axe, one knife and one wooden block from the place of occurrence which were taken into possession vide recovery memo. Ex. PW1/A. On the basis of information sent by Head Constable Pehlad Singh to the Police Station Nuh, the FIR was registered by SI/SHO Anil Kumar.

On the request of Anil Kumar, Station House Officer, Nuh through Head Constable Pehlad Singh, calf was got medically examined from Dr. Jagdeep Singh Yadav Veterinary Surgeon, Taoru. He on examination found that calf was of 1 year old and was having incised wound just behind mandible extended upto vertebral column. Both sides of juglar furrow alongwith contents were incised, trachea was incised. An incised wound starting from just behind at mid line extended upto anus. ”

Having heard learned counsel for the parties and on going through the record, this Court finds that no case is made out for any interference in the impugned judgments passed by the Courts below while convicting the petitioner. The recovery of the beef was effected by HC Pehlad Singh and Constable Inder Singh on 20.6.2003. Constable Inder Singh while appearing before the trial Court as PW1 corroborated the prosecution case. The beef recovered from the spot was examined by Dr. Jagdeep Singh Yadav, Veterinary Surgeon. While appearing before the trial Court as PW3, Dr. Jagdeep Singh deposed that the animal had incised wound just behind mandible extending upto vertebral column and both the sides of juglar furrow alongwith contents were incised, trachea was incised. An incised wound starting from just behind mandible at mid line extended upto anus. He also deposed that the skin was reflected/detached 6 inches over

abdominal region on left side and rumen was visible to it. He also stated that all limbs were cut away/dis-articulated fore limbs from radio-metacarpal joint. He also stated that incised wound showed sprouting of blood. He proved his report Ex. PW3/A.

In view of the above, the conviction of the petitioner for the offence under Section 8 of the Act is upheld.

As regards the quantum of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last about thirteen years. When he was examined by the trial Court under Section 248 Cr.P.C., he had pleaded that he was the sole bread winner of his family and not a previous convict. As per the custody certificate produced by the learned State counsel, he has already undergone an actual sentence of three months and twenty one days. Taking into consideration the totality of the circumstances, this Court is of the considered view that no useful purpose will be served by sending him behind the bars, once again, for undergoing the remaining sentence of imprisonment imposed upon him. Ends of justice would be amply met if his sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner under Section 8 of the Punjab Prohibition of Cow Slaughter Act, 1955 is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs. 5,000/-

imposed upon the petitioner is, however, enhanced to Rs.15,000/-. The enhanced amount of fine be deposited by the petitioner with the trial Court within three months from today, failing which he shall undergo simple imprisonment for four months.

The revision is, accordingly, disposed of.

April 29, 2016
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(T.P.S. MANN)
JUDGE