

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

CRWP No.1386 of 2015 (O&M)
Date of Decision: August 09, 2016

Raj Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Kundu, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226/227 of the Constitution of India for the issuance of writ of certiorari to quash the judgment dated 17.12.2014 passed in case FIR No.613 dated 27.11.2013 under Sections 279, 336, 120-B IPC and 11/59/60 of the Animal Cruelty Act, registered at Police Station Sadar Palwal, District Palwal and all consequential proceedings arising thereof.

Notice of motion was issued and learned State counsel appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner argued on three points. Firstly, that the case has been decided by the Lok Adalat and petitioner has been convicted. Secondly, he argued that Act has

been wrongly written by the Court while sentencing and holding the petitioner guilty. There is no Section 11 under the Cow Slaughter Act. Learned counsel for the petitioner further argued that the accused-petitioner did not make any confession before the Court.

After hearing learned counsel for the petitioner as well as learned State counsel and after going through the record, I find that, the perusal of the lower Court record shows that case was never referred to Lok Adalat. When the case was fixed for the prosecution witnesses, then the accused made confessional statement. Even from the perusal of the last interim order passed by the Court below, it is clear that the case has been decided by learned Addl. Chief Judicial Magistrate, Palwal. Merely, while passing the order of sentence, in the last line it is written as 'Pronounced in Permanent Lok Adalat', is nothing but a clerical mistake. Nowhere the lower Court record shows that proceedings have been conducted by the Lok Adalat or conviction and sentence orders have been passed by the Lok Adalat. Therefore, this argument of learned counsel for the petitioner has no merit.

As regarding the second argument that petitioner has been convicted under Cow Slaughter Act, but there is no Section 11 under the said Act, I find that the charges have been framed under the Prevention of Cruelty to Animals Act under Section 11 and statue number and year of the Act has also been mentioned as 59-60. While convicting the petitioner, the Court below has rightly written the Section, number of statue and year of the Act i.e. 11-59-60 but instead of writing the Act as Prevention of Cruelty to Animals, it has been written as Cow Slaughter Act. On this ground also,

be quashed.

The perusal of the lower Court record further shows that accused have made voluntary confession before the Court. The statements have already been recorded by the Court below qua confession by the accused. Keeping in view the lower Court record, in no way, it can be held the petitioner has not made any confession.

Therefore, finding no merit in the present criminal writ petition, the same is dismissed.

August 09, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No