

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 1346 of 2017

Shiv Kumar Shrivass, S/o. Laxman Shrivass, Aged About 35 Years, R/o Village Tundra, Police Station- Gidhauri (Tundra), District Raipur Now Baloda Bazar Bhatapara Chhattisgarh.

---- Petitioners

Versus

State Of Chhattisgarh, Through : The Collector, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

-----Respondents

For Petitioner : Mr. S.K. Guha, Advocate
For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/10/2017

Heard.

1. Counsel for the petitioner submits that he is owner of 24 numbers of cattle, which has been seized in connection with Crime No.26/2010, for offence registered by the Police Station – Saliha, under Section 4, 6, 10 of Chhattisgarh Krishik Pashu Parirakshan Adhiniyam, 2014 on 29.04.2017.
2. Petitioner moved an application before the trial Court for interim custody of the cattle seized, which was rejected. Criminal revision 37/2017 preferred before the Sessions Judge has also been rejected by the order dated 06.07.2017. Petitioner is entitled for interim custody of the seized cattle, hence this

petition.

3. Counsel for the respondent/State submits that petitioner has moved application for interim custody premature, hence, petition is without any merits.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per the submission made, charge-sheet has been filed before the trial Court against the concerned accused persons and the trial is pending. Section 7 of Chhattisgarh Krishik Pashu Parirakshan Adhiniyam, 2014 specifically provides, that seized agricultural cattle shall remain in custody of registered Goshala, Gosadan, Gorakshan sansthan or other registered sansthan till the conclusion of the prosecution case. Hence looking to the clear and specific provisions regarding custody of the seized cattle, there is no scope for release of the seized cattle on interim custody until and unless the prosecution is concluded, hence, this petition is without any merits, which is dismissed accordingly. The Court of Judicial Magistrate First Class, Bhatgaon is directed to conclude and expedite the trial of the case against the petitioner and others under the provisions of Chhattisgarh Krishik Pashu Parirakshan Adhiniyam, 2014 as soon as possible preferably within a period of four months from today.
6. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge