

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPW) NO.29 OF 2020
IN
CRIMINAL WRIT PETITION NO.843 OF 2019 (D)

(Shri Gorakshan Sanstha, Amravati Vs. State of Maharashtra thr. PSO PS Talegaon
Dashasar, District Amravati)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri R.M. Daga, Advocate with Shri M.P. Khajanchi, Advocate for Petitioner.
Shri N.B. Jawade, APP for Respondent 1/State.

CORAM: ROHIT B. DEO, J.

DATE: 3rd MARCH, 2020.

The State has preferred this application seeking direction that the charges of the cold storage be paid by respondent 2 – accused.

2] Criminal Writ Petition 843/2019 came to be disposed of by this Court vide judgment dated 08.01.2020 (Coram: V.M. Deshpande, J.) and the operative part of the order reads thus:

(i) The writ petition is allowed.

(ii) Order dated 24.07.2019 passed by learned Judicial Magistrate First Class, Dhamangaon Railway in Misc. Criminal Application No.86/2019 as well as order dated 17.08.2019 passed by learned Additional Sessions Judge, Amravati in Criminal Revision No.79/2019, are hereby quashed and set aside.

(iii) Police Station Officer, Police Station, Talegaon Dashasar is directed to destroy the cattle flesh, which was found to be of cow which is presently kept in the cold storage, within a period of 15 days from today, in accordance with law.

Rule is made absolute in the above terms.

3] Shri Jawade, the learned APP would submit that it would not be possible to destroy the meat seized without making payment to the cold storage owner. The payment to the cold storage owner can wait. This Court directs the State to destroy the seize meat within 72 hours.

4] In so far as the dues payable to the cold storage owner, in view of the provisions of Section 5(C) read with Section 8 of the Maharashtra Animal Preservation Act, 1976, the respondent 2 is directed to make the payment to the cold storage owner. It may be noted, that though duly served accused – respondent 2 has not appeared to oppose the present application.

5] It is clarified that the seized meat shall be destroyed within the period prescribed whether or not the cold storage owner is paid.

6] The application is allowed in the aforestated terms.

7] Steno copy of this order be furnished to the learned APP for the respondent 1/State.

JUDGE

NSN