

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

**CRM-M-5121-2020 (O&M)
Date of Decision : 18.02.2020**

Shabbir Ahmad

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. G.C.Shahpuri, Advocate for the petitioner.

RAMENDRA JAIN, J. (Oral)

Through this petition under Section 482 Cr.P.C., petitioner has assailed order dated 08.11.2019 (Annexure P-3) of the Sub Divisional Magistrate, Ladwa, refusing to release offending vehicle to petitioner on supardari and order dated 10.01.2020 (Annexure P-5) of the learned Addl. Sessions Judge, Kurukshetra, affirming the aforesaid order and dismissing revision petition of the petitioner.

Briefly, on secret information, in the evening of 08.11.2019, vehicle bearing registration No.UP11-T-9070 was intercepted, carrying 15 bullocks, cows and calves. Their mouth and legs were found tied in a cruel manner. One of the calf was found dead. Horns of some of the bullocks were broken. Animals and the offending vehicle/canter were taken into possession. FIR No.0007 dated 08.01.2019, was registered under Section 11 of the Prevention of Cruelty to Animals Act, 1960, 13 (2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 279 and 336 IPC, at Police Station Ladwa, District Kurukshetra.

On the same day, petitioner moved an application for release of his aforesaid canter before the Sub Divisional Magistrate, Ladwa, who, passing a speaking order dated 08.11.2019 (Annexure

P-3), rejected the said application on the basis of police report, mentioning that cows were being transported by the petitioner for the purpose of slaughtering. In case, the canter is released on supardari, petitioner would repeat the same offence, using the said offending canter.

Being aggrieved, petitioner approached the Sessions Court by way of revision, which was also dismissed vide order dated 10.01.2020 (Annexure P-5).

Learned counsel, referring the judgment of Hon'ble Supreme Court in **Sunderbhai Ambalal Desai vs. State of Gujrat 2003 (1) RCR (Criminal) 380**, contends that the offending canter owned by petitioner, cannot be kept in police station for a long time. The petitioner is ready to furnish adequate surety/security.

Having gone through the aforesaid judgments of the courts below as also circumstances of the case and considering the fact that petitioner is resident of Uttar Pradesh, this Court is not inclined to exercise inherent power conferred under Section 482 Cr.P.C., inasmuch as, order of revisional court is perfectly legal. The apprehension of revision court is quite genuine that in case the offending vehicle is released on supardari, it would be difficult to bring the same back during trial.

Dismissed.

20.02.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No