

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

CRM-A-390 of 2020

Date of decision: 24th July, 2023

State of Haryana

Applicant

Versus

Vakil and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajiv Sidhu, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This application under Section 378(3) Cr.P.C. is filed seeking leave to appeal against the acquittal of the respondents in case of FIR No.70 dated 10.4.2019, under Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short, 'the Act')

2 As per the case set up, on 10.4.2019 the police party received a secret information that Vakil and Bhuru were indulging in cow slaughtering at the residence of Vakil situated at village Teekri Kheda. Acting upon the information raid was conducted, accused-Vakil was apprehended. During interrogation, he named co-accused Bhuru. From the spot, one knife, one axe, log of wood, plastic bag, weighing balance and twenty six kilograms of meat were recovered apart from Rs.1,030/- currency.

3. On 18.4.2019, accused Bhola who was already in custody in FIR No. 69 dated 10.4.2019 was made to join the investigation and his disclosure statement was recorded. At his instance Rs.450/- were recovered.

4. On 22.4.2019, accused Illiyas was arrested and during investigation, on his disclosure Rs.250/- were recovered from a room.

5. The trial court considering the facts and appreciating the evidence adduced acquitted the accused (respondents in the present petition) and recorded the following findings:

- *prosecution could not prove and connect the*

ownership of the plot with accused Vakil or any other accused where offence was allegedly committed.

- Beef/meat was not packeted and sealed due to which chain of link evidence remained incomplete on the record.*
- It also remained unproved on the record that beef/meat actually recovered from the scene of crime was of cow-oxen spieces.*
- No independent witness was joined throughout the investigation at the time of recording of disclosure statements of the accused persons, effecting recovery of currency notes and other articles.*
- The serial number and details of currency notes were also not got recorded in order to connect the same with the accused persons.”*

6. Learned counsel for the applicant submits that the report of Veterinary Doctor duly proved that the recovered meat was beef. It is further argued that no defence was taken by Vakil that he was not the owner of the house.

7. Heard learned counsel for the applicant.

8. The contentions raised lack merit. It is not under challenge that the raid was conducted on 10.4.2019 and the meat was recovered. Further that the Veterinary Doctor-PW11 (Dr. Imran Khan) came to the police station but did not conduct the examination due to poor light. The meat was examined on 11.4.2019 and earlier to that the seized meat was neither packed nor sealed. Recovery of the meat from the spot was doubtful as no independent witness was joined. Needless to say that the meat remained over night with the police officials un-packed and un-sealed.

9. The scope of interference by this court in the order of acquittal is limited. There cannot be re-appreciation of evidence. There is no legal or factual error in the impugned judgment, much less perversity.

10. No case is made out for grant of leave to appeal.

11. The application is dismissed.

[AVNEESH JHINGAN]
JUDGE

24th July, 2023
mk

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |