

CRM-M-46369-2022
DECIDED ON: 4th JANUARY, 2023

....PETITIONER

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

Present: Mr. S.K. Yadav, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANDEEP MOUDGIL, J

The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked for quashing of the order dated 22.09.2022 (Annexure P-5), passed by learned Additional Sessions Judge, Palwal, in criminal revision bearing No.23 of 2022, as well as order dated 22.12.2021, passed by learned JMJC, Palwal in case FIR No.327, dated 27.09.2021, under Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 25 of Arms Act, Sections 148, 149, 285 of the IPC, registered at Police Station Gadpuri, District Palwal, wherein 46 cows and 6 buffalo calves were ordered to be released on sapurdari in favour of applicant/respondent No.2-Dhoop Khan.

During the pendency of the trial, an application for release of 46 cows and 6 buffalo calves was preferred, which was dismissed by the JMIC,

Palwal vide order dated 13.10.2021 and aggrieved against the said order, a revision petition was filed, whereby the case was remanded back for passing of fresh order and thereafter, JMIC, Palwal allowed the release of 46 cows and 6 buffalo calves on sapurdari vide order dated 22.12.2021, which is under challenge before this Court.

It is asserted by learned counsel for the petitioner that there are other FIRs also pending against the accused/respondent No.2-Dhoop Khan for the same offence, who is a habitual offender and is involved in the illegal transportation of cows and buffalo calves, which are allegedly put to slaughtering.

The assertion is that there is no evidence putforth by the accused Dhoop Khan with regard to the ownership of the cows and buffalo calves and, therefore, he is not entitled to get the custody of these animals. Total of 90 cows were handed over with the help of police to the Gaushala of the petitioner wherein, 22 cows have died.

Vide order dated 10.10.2022, the petitioner was directed to place on record, as to how 22 cows died in his custody, along with medical report, if any.

Due to the non-compliance of afore-said direction issued by this Court, the petitioner was issued show cause notice as to why the proceedings under the Contempt of Courts Act be not initiated against him.

On 07.12.2022, the petitioner filed an affidavit along-with Annexure P-8 with a detailed chart showing the total number of deaths of 22 cows and calves with the date and cause of their death mentioned therein.

However, learned counsel for the petitioner has not produced any medical

prescription showing any treatment /card or report in support thereof.

Today, learned counsel for the petitioner has produced a receipt dated 03.01.2023 whereby, the custody of cows has been handed over to the police who shall further hand over the custody of afore-said cows to Veer Bhagat Gaushala, Village Keera, District Nuh.

As the custody has already been handed over to Veer Bhagat Gaushala, Village Keera, District Nuh, in view of this, no further order is required to be passed in the present petition, the present petition stands disposed off, accordingly.

4th JANUARY, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>