2026:AHC:208963

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 29389 of 2026

Rajesh Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kamlesh Kumar Singh, Vivek Kushwaha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present application under Section 528 BNSS has been filed for setting aside of the order dated 13.11.2025 passed by District Magistrate, Chanduli in Case No. 990 of 2025, Computerised Case No. D202514180000990 (State Vs. Rajesh Kumar and others), under Section 5(A) of U.P. Prevention of Cow Slaughter Act, 1955, Police Station Syedraja, District Chandauli.

3. Learned counsel for the applicant contends that applicant is the owner of the vehicle no. HR 62A 6243 and that the vehicle in question has been falsely implicated in the aforesaid case. He further submits that no useful purpose would be served in keeping the vehicle at police station which would result in the vehicle becoming junk. Learned counsel for the revisionist has relied upon a decision of Hon'ble Apex Court in the matter of **Sunder Bhai Ambalal Desai Vs. State of Gujarat 2003 (46) A.C.C. 223** in support of his contention, in which it has been held that it is not desirable in the matter of motor vehicle, the vehicle be kept at the police station for a long time which result in the vehicle becoming junk, therefore, the vehicle-in-question should be released in favour of the registered owner on such terms and conditions as the court below may deem fit and proper. Learned counsel for the petitioner has also placed reliance upon the decision of this Court reported in **2012 (77) ACC 381 Shyam Singh Kushwaha Vs. State of U.P. and another,** in support of his contention.

4. After hearing the learned counsel for the applicant, learned A.G.A., and after perusing the order impugned as well as averments made in the present application, this Court is of the opinion, that the arguments as raised by learned counsel for the applicant has substance.

5. Accordingly, the order dated 13.11.2025 passed by the District Magistrate, Chandauli in the aforesaid case is hereby set aside with the liberty to the applicant to file an appropriate application along with all relevant documents showing the ownership of the vehicle, before the concerned authority and if such an application is filed within one month from today, the same shall be considered and disposed of as expeditiously as possible, in accordance with law, preferably within a period of one month, thereafter, if not confiscated as yet.

6. With the aforesaid directions, this application under Section 528 BNSS is finally disposed off.

(Dr. Gautam Chowdhary,J.)

October 6, 2026
Mustaqeem.

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad