HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5879 of 2025

Santosh Sonkar

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Anil Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 92

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Devesh Singh, Advocate holding brief of Sri Anil Kumar Singh, the learned counsel for the revisionist, Sri Roshan Kumar Singh, the learned A.G.A. appearing on behalf of the State and perused the record.

2. By means of the instant revision the revisionist has challenged the validity of an order dated 28.07.2025, passed by the District Magistrate, Mau in Case No.596 of 2025, arising out of Case Crime No.3/5A/8 of U.P. Prevention of Cow Slaughter Act and Section 11 of Prevention of Cruelty to Animal Act, Police Station Dohrighat, District Mau, whereby under Section 5-A of U.P. Prevention of Cow Slaughter Act, 1955 the District Magistrate, Mau has ordered seizure of the revisionist's truck under the aforesaid provision and has given an option to get the vehicle released by depositing an amount equivalent to the market value of the vehicle.

3. The learned counsel for the revisionist has submitted that the impugned order has been passed without providing an opportunity of hearing to the revisionist as a notice was issued on 07.04.2025 while the revisionist was in custody and an order for his release was passed on 08.04.2025. The revisionist has taken a specific ground that no notice was issued by the District Magistrate was served upon him.

4. Although, the State has filed a counter affidavit there is no averment in the counter affidavit that the notice issued to the revisionist was in fact served upon the revisionist.

5. The principles of natural justice requires that before passing any order having adverse consequences upon a person, the person concerned should be granted an adequate opportunity to defend himself.

6. As the impugned order has been passed in violation of the principles of natural justice the same is unsustainable in law.

7. In view of the aforesaid discussions, the revision is allowed. The impugned order 28.07.2025, passed by the District Magistrate, Mau in Case No.596 of 2025, arising out of Case Crime No.3/5A/8 of U.P. Prevention of Cow Slaughter Act and Section 11 of Prevention of Cruelty to Animal Act, Police Station Dohrighat, District Mau is set aside and the matter is remanded to the District Magistrate, Mau for being decided a fresh after giving a proper opportunity to the revisionist. The revisionist shall approach the District Magistrate, Mau along with an explanation and a certified copy of this order within a period of two weeks. The District Magistrate shall pass a fresh order after dealing with the explanation offered by the revisionist expeditiously, in accordance with law preferably within a period of four weeks since the date of receipt of revisionist's explanation.

November 2, 2026
Ram.

(Subhash Vidyarthi,J.)

Digitally signed by :-
RAM SINGH
High Court of Judicature at Allahabad