

(2015) 04 P&H CK 0419
In the Punjab And Haryana At Chandigarh
Case No : CRR No. 3141 of 2014 (OandM)

Aslam

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 23-04-2015

Acts Referred:

Citation : (2016) 1 RCR(Civil) 62 : (2015) 4 RCR(Criminal) 1014

Hon'ble Judges : Mahesh Grover, J.

Bench : Single Bench

Advocate : Rajesh Lamba, Advocate, for the Appellant; P.S. Chauhan, Addl. AAG and Himmat Singh, AAG, for the Respondent

Final Decision : Allowed

Judgement

Mahesh Grover, J.—The petitioner questions his conviction recorded by the impugned judgments dated 23.1.2013 and 9.9.2014. The charge against the petitioner was that he was engaged in selling beef which fact was discovered by the police upon secret information. Raid was conducted and petitioner was apprehended in his house with a knife preparing chunks of beef for sale. 20Kgs of beef was found which was weighed and taken in possession. Both the Courts recorded the conviction of the petitioner.

The petitioner on turn had pleaded false implication.

Learned counsel for the petitioner states that no independent witnesses were examined, the recovery is doubtful and even the meat being beef would be questionable as no proper chemical examination was conducted. Records were requisitioned and its perusal would show that no chemical examination was done. This fact had been recorded by the court below. The meat was determined to be beef on the basis of opinion given by PW 1 an expert and as per the data produced before the Court from internet under the heading meat and meat products. As per this opinion which is extracted here below, the Court concluded that the meat was beef and thus proceed to convict the petitioner:-

2. In the considered opinion of this Court, formulating a conclusion on a bare visual examination of the meat product to establish it to be beef and to form it basis of conviction would be erroneous. In the absence of any chemical examination, bare visual examination of the meat cannot acquire a conclusive substitute for a chemical examination. If that be so then in the view of this Court, the prosecution has failed to establish the case against the petitioner beyond the reasonable shadow of doubt. The conviction of the petitioner is therefore set aside. Revision petition stands allowed.