

---

**(1990) 05 AHC CK 0042**

**In the Allahabad High Court**

**Case No : Criminal Revision Nos. 785 to 787 of 1990**

Babu

APPELLANT

Vs

State of U.P.

RESPONDENT

---

**Date of Decision : 24-05-1990**

**Acts Referred:**

Evidence Act, 1872 — Section 144

Prevention of Cruelty to Animals Act, 1960 — Section 11

Uttar Pradesh Prevention of Cow Slaughter Act, 1955 — Section 5, 8

**Citation : (1990) 05 AHC CK 0042**

**Hon'ble Judges : S.R.Bhargava, J**

**Final Decision : Partly Allowed**

---

## **Judgement**

S. R. Bhargava, J.—These three revisions are directed against the order of the Magistrate refusing to release the bullocks in favour of the revisionist.

2. Facts, as it appear from the lower Court order, are that the revisionists were transporting bullocks in trucks. These trucks were apprehended at Bihar border. Bullocks were seen huddled in the trucks and there were reports of offences under Sections 5 and 8 of U. P. Prevention of Cow Slaughter Act and Prevention of Cruelty to Animals Act. Revisionist applied for the release of bullocks but the learned Magistrate found that the revisionist was guilty of offences under Sections 5 and 8 of the U. P. Prevention of Cow Slaughter Act and Section 11 of the Prevention of Cruelty to Animals Act, hence he refused to release the bullocks.

3. Obviously the detention of bullocks is a costly affair both for the State as well as the revisionist. The matter has to be disposed of treating is as urgent. I have heard the learned A. G. A It may be assumed for the sake of argument that the bullocks were being transported for being salughtered. The U. P. Prevention of Cow Slaughter Act prohibits slaughter of cows or bullocks and possession of beef. There is nothing in the Act prohibiting preparation for cow slaughtering. It should not be forgotten that transport of the bullocks could only be an insolate offence

not punishable under the Prevention of Cow Slaughter Act. On the other hand, the report of veterinary surgeon received by the Magistrate was that the bullocks were healthy. There cannot be reasonable presumption or inference that bullocks were being transported for slaughtering. It is thus evident that no offence was committed by the revisionist under the U. P. Prevention of Cow Slaughter Act. If the revisionist committed any offence under Section 11 of the Prevention of Cruelty to Animals Act, the revisionist could have been tried summarily for the offence.

4. Hence, in the result, I partly allow these revision at this very stage and direct the Magistrate concerned to try the revisionist for the offence under Section 11 of the Prevention of Cruelty to Animals Act without delay before sale of bullocks and pass consequential orders regarding the release of bullocks.

5. A certified copy of this order may be given to the learned Counsel for the revisionist on payment of usual charges within two days. Revision partly allowed.