

(1997) 03 AHC CK 0106
In the Allahabad High Court
Case No : Criminal Revision No. 366 of 1997

Hashim

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 31-03-1997

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397
Uttar Pradesh Prevention of Cow Slaughter Act, 1955 — Section 3, 8

Citation : (1997) 03 AHC CK 0106

Hon'ble Judges : T.P.Garg, J

Final Decision : Allowed

Judgement

T.P. Garg, J.—This Criminal Revision is directed against the order dated 1731997 passed the Civil Judge (J.D.) Basti, whereby the application to release the bullocks made by the revisionist was rejected.

2. Heard the learned counsel for the revisionist, Sri Ravindra Rai, and the learned A.G.A, for the State. Both have agreed that this revision petition may be disposed of at this stage itself.

3. The grievance of applicant is that although he is a bona fide purchaser of bullocks for consideration and was carrying them in a truck hired through a recognised transport company, but the learned trial Magistrate did not properly peruse and appreciate the receipts produced in token of his ownership of bullocks. It is further the case of the revisionist that the bullocks are detained at the Police Station since 9th March, 1997 and there is every likelihood of their being perished in case they are not released.

4. From a perusal of the impugned order and the photocopies of the receipts filed along with the affidavit in this Court by the revisionist, it appears that the learned trial Magistrate has not properly looked into and compared the various receipts produced by the revisionist in token of his having purchased the bullocks from the Cattle Fair, and which fact has not been controverted on behalf of the

State.

5. Under the circumstances, there is no alternative except to allow this revision and set aside the impugned order passed by the learned Magistrate and remand the case with the direction that the learned Magistrate will take into and compare the various receipts that may be produced by the revisionist in token of his having purchased the bullocks and thereafter, pass a speaking order on the application of the revisionist for release of bullocks, within two weeks from the production of a certified copy of this order and also after giving opportunity to the revisionist to present his case.

6. A certified copy of this order shall be supplied to the learned counsel for the parties on payment of usual charges within 24 hours.

Revision allowed.