

(1997) 03 AHC CK 0109
In the Allahabad High Court
Case No : Criminal Revision No. 371 of 1997

Munna

APPELLANT

Vs

State

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 0109

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

Final Decision : Disposed Of

Judgement

T.P. Garg, J.—This criminal revision is directed against the order dated 1731997 passed by the Civil Judge (J.D.) Basti in case Crime No. 25 of 1997, whereby the application of the petitioner to release the bullocks which are the case property was rejected.

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

3. The case of the petitioner is that he is bona fide purchaser of the bullocks for consideration and was carrying them in a truck hired through a recognised transport company. It is further the case of the petitioner that he had valid receipts for the purchase of the bullocks from a cattle fair but the learned trial Magistrate has failed to peruse and consider the same and instead considered the receipt of some other case pertaining to one Hashim, as is evident from a perusal of the impugned order.

4. Referring to the impugned order, the learned counsel for the petitioner has argued that the receipts produced by one Hashim in some other case were considered while passing the impugned order and receipts furnished by Munna, applicant, were not even considered before passing the impugned order. A perusal of the impugned order shows that arguments advanced on behalf of the

revisionist have considerable force. Learned A.G.A for the State has also not disputed the aforesaid fact. It appears that the learned Magistrate has not cared to go through the receipts produced on behalf of the applicant, Munna, and has instead, based his observations on the receipts/ produced by one Hashim in some other case. Under the circumstances, there is no alternative except to allow this petition and set aside the impugned order and remand the case to the learned trial Magistrate with the observations that he would consider the receipts and other material that may be produced before him by the applicant and would pass appropriate orders on the application for release of the bullocks, after hearing the counsel for the parties, within two weeks on production of a certified copy of this order.

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