

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 25TH DAY OF JUNE, 2010

BEFORE

THE HON'BLE MR.JUSTICE JAWAD RAHIM

CRIMINAL REVISION PETITION NO.654/2010

BETWEEN:

1. MD. GOUS,
S/O. ABDULREHMAN BEPARI,
AGED 42 YEARS,
OCC: CATTLE TRADING,
R/O. JAMKHANDI VILLAGE,
JAMKHANDI TALUK,
DISTRICT BAGALKOT.

2 MD. RIYAZ,
S/O. HUSSAISAB BEPARI,
AGED 38 YEARS,
OCC: CATTLE TRADING,
R/O. JAMKHANDI VILLAGE,
JAMKHANDI TALUK,
DISTRICT BAGALKOT.

3 JILANI,
S/O. HUSSAIN SAB BEPARI,
AGED 26 YEARS,
OCC: CATTLE TRADING,
R/O. JAMKHANDI VILLAGE,
JAMKHANDI TALUK,
DISTRICT BAGALKOT.



4 MUSTAQ, S/O. QUTABUDDIN BEPARI,
AGED 34 YEARS, OCC: CATTLE TRADING,
R/O. JAMKHANDI VILLAGE,
JAMKHANDI TALUK,
DISTRICT BAGALKOT.

... PETITIONERS

(BY SRI. ANIL KALE, ADV.,)

AND:

STATE OF KARNATAKA,
BY P.S.I, TOWN POLICE STATION,
JAMKHANDI,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BAGNALORE - 560 001.

... RESPONDENT

(BY SRI.K.DILIP KUMAR, HCGP)

THIS CRIMINAL REVISION PETITION IS FILED U/S.
397 AND 401 CR.P.C. PRAYING TO SET ASIDE THE ORDER
DATED 13.4.2010 PASSED IN CR.NO.67/2010 BY THE
ADDL. C.J. AND JMFC, JAMAKHANDI, AND CONSEQUENTLY
PERMIT THE PETITIONERS TO SELL THE CATTLE THROUGH
THE PROCESS OF THE COURT AND THE SALE
CONSIDERATION AMOUNT MAY BE ORDERED TO BE
RELEASED INFAVOUR OF PETITIONERS.

THIS PETITION COMING ON FOR ORDERS THIS DAY,
THE COURT MADE THE FOLLOWING:



ORDER

Petitioners have questioned the common order passed on 13.4.2010 in Cr. No.67/2010 on their application filed under Section 457 of Cr.P.C. for grant of interim custody of the live stock.

2. Heard the learned counsel Sri Anil Kale for petitioners and Sri. K. Dilip Kumar, learned Government Pleader. Examined the records.

3. From the record it is manifest that the Police Officials of Jamakhandi Police Station seized 26 heads of cattle on 02.04.2010 suspecting the animals were kept in the house of the petitioners for Slaughter, in contravention of Section 4 and 11 of Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964 (in short 'the Act'). Since then, the animals are in Goshala applying Section 18 of the Act.

4. The petitioners are claiming to be the owners of the seized animals filed application under Section 457 of



the Cr.P.C. seeking interim custody assertively contending that they have purchased the cattles in Gollalelshwar fair for resale through agents and the animals were not kept for slaughter. According to them they have purchased the animals for resale and kept animals in their custody. The animals were not kept for slaughter as alleged by the prosecution. They further averred that they have taken care of the cattles properly and have not indulged in cruelty on the animals. To seek interim custody they pointed out that animals are to be taken care of properly and fed timely, since they are kept unattended animals are likely to die, which will cause them loss.

5. It is not in dispute that 26 head of cattle were seized and kept in goshala. It is stated one animal has died. Therefore, it is necessary the trial Court shall pass an order for grant of interim custody or expedite trial itself. It needs no mention that Investigating Officer has to file charge sheet / final report at the earliest to avoid any further complications.



6. The learned counsel for petitioner and Government Pleader were unable to furnish the information as to whether the Investigating Officer who seized the animals on 02.04.2010 has filed final report or not. The parties are agitating only on the interim orders. In the circumstance, it is appropriate at this juncture to direct trial court to call upon the Investigating Officer to file final report and subject the petitioners / offenders to trial and then pass final order regarding custody of the seized animals.

7. It must further be noticed as the punishment prescribed for the offence punishable under Section 4 of the Act is maximum six months imprisonment, the case could be tried by summary procedure rather than allowing it to be procrastinated.

8. In the circumstance, this petition is disposed of directing the trial Court to call upon the Investigating Officer to file final report and if final report is filed indicting petitioners or any other person, then subject them to trial



at the earliest. If final report is not filed within reasonable time then the application filed by the petitioners shall be considered afresh to release the animals to their custody.

BS*
VK

Sd/-
JUDGE