

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.1083 of 2013

Bimlesh Kumar Petitioner
Versus
The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE H.C. MISHRA

For the Petitioner : Mr. Prabhat Kumar Sinha
For the State : A. P.P.

3/20.12.2013 Heard learned counsel for the petitioner and learned counsel for the State.

2. Petitioner is aggrieved by order dated 6.6.2013 passed by Sri Rajesh Kumar, learned J.M. Hazaribag, in Barhi P.S. Case No.69 of 2013, corresponding to G.R. No.761 of 2013, whereby the application filed by the petitioner for release of the vehicles seized in connection with this case, has been rejected by the Trial Court below.

3. The impugned order shows that when the matter was taken up in the Court below, it was mentioned by the counsel for the State that the proceeding for forfeiture of the vehicles has already been initiated and the report will be received in two to three days. In spite of the said submission of the learned counsel for the State, the petitioners pressed the court below for passing the final order on the application for the release of the vehicles on that day itself. The Court below has rejected the application for release of the trucks in question stating that the process of forfeiture of the vehicles have already been initiated.

4. Learned counsel for the petitioner has submitted that the impugned order passed by the Court below is absolutely illegal, in as much as, there was no order before the Court below showing that the process for forfeiture had already been initiated. Learned counsel for the petitioner accordingly, submitted that the impugned order cannot be sustained in the eyes of law.

5. Learned counsel for the State on the other hand has opposed the prayer submitting that there is no illegality in the impugned order.

6. The present case was instituted as cattle were found to be transported allegedly for slaughtering, in contravention of Jharkhand Bovine Animal (Prohibition of Slaughter) Act, 2005. Section 12(3) of the said Act prescribes for forfeiture of the vehicles found to have been used in transportation of cattle contravening the provision of the Act. In that view of the matter, if the process of forfeiture of the vehicles in question has already been initiated, I am of the considered view that the Court below has rightly rejected the application filed by the petitioner, particularly when the petitioner pressed the Court below to pass the order without awaiting the report of the Competent Authority.

7. As such, I do not find any illegality and / or irregularity in the impugned order passed by the Court below, worth interference in the revisional jurisdiction. There is no merit in this application and the same is accordingly, dismissed.

(H. C. Mishra, J)