

CRMA No.11207 of 2018 (Interim Relief Application)

IA No.5497 of 2019 (Urgency Application)

IA No.7205 of 2019 (Urgency Application)

IA No.8268 of 2019 (Urgency Application)

In

C-482 No.1806 of 2018

Hon'ble R.C. Khulbe, J.

Mr. Vivek Shukla, learned Advocate for the applicant.

Mr. S.S. Adhikari, A.G.A. along with Mr. P.S. Uniyal, Brief Holder for the State/ respondents.

This criminal miscellaneous application under Section 482 of Cr.P.C has been filed for quashing the impugned order dated 29.09.2018 passed by learned Judicial Magistrate Rishikesh, District Dehradun in Case Crime No. 67 of 2018 under Section 11 (1) (d) (e) of Animal Cruelty (Prevention) Act, P.S. Rani Pokhri, District Dehradun and order dated 11.10.2018 passed by learned Additional Sessions Judge IV, Dehradun in Criminal Revision No.268 of 2018, Buddhu Vs. State of Uttarakhand and further to release all the five buffalos in favour of the applicant.

As per the FIR, on 21.09.2018 at 12:30 a.m. the accused were transporting five buffalos in a Mahindra Pickup vehicle from Jajal Tehri Garhwal to Saharanpur and on having been searched these buffalos were found in the vehicle which revealed that they were being transported in a very cruel manner and hence committed an offence under Section 11 (1) (d) (e) Animal Cruelty Act, 1960.

It is argued by the learned counsel for the applicant that the applicant has falsely been implicated in the crime; he was transporting the five buffalos from Tehri GARhwal to his native place Bhagwanpur. Apart from that, the sale letter has been brought on record by the applicant.

Learned counsel for the State argued that the offence is of a heinous nature and it would not be advisable to release of the buffalos in favour of the applicant at this stage.

From the record, it is clear that all the five buffalos were purchased by the accused/ applicant Buddhu from Tehri Garhwal on 17.09.2018 and a

sale certificate issued by the Bacchan Singh Rawat, Gram Pradhan to this effect is brought on record.

Since there is no other claimant to the buffalos and the trial is going on and also the said buffalos does not fall within the list of prohibited animals, hence, it would not be advisable to keep the buffalos in Police Station, Rani Pokhiri, Dehradun for a long time. During the trial all these five buffalos can be released in favour of the accused.

In these circumstances, the present criminal misc. application filed under Section 482 Cr.P.C. is allowed with the direction to the Magistrate concerned to release all the five buffalos in favour of the applicant after taking appropriate surety and undertaking that he will produce the said buffalos as and when required by the Court.

Urgency applications as well as pending application, if any, stand disposed of.

(R.C. Khulbe, J.)

28.06.2019

Sukhbant