

## FIRST INFORMATION REPORT

6339

First Information of a cognizable crime reported under section 154 Cr. P.C. At P.S.

District Alipurdhwar Sub-Div.

P.S. Madanhat

Year 2022

FIR No. 39/22

Date 05.03.22

Sections 379/411/429 ii) Act

Sections

RAJ Sec 66(1)/192M-1

P.W. 194 (I) of M.V. Act &amp; 11 (1)(a) of prevention of cruelty to Animal Act, 1960 &amp; 11(1)(a) of prevention of cruelty to Animal Act, 1960, &amp; 7 of West Bengal Animal Slaughter Control Act, 1950 (West Bengal Act 22 of 1950)

C) Information of Offence : Day Saturday Date 05.03.2022 Time 07.45 hr

G.D. No. 140 At the police Station.

4. Type of information : Written / Oral

5. Place of Occurrence : a) Direction and Distance from P.S. West 5 K.M.

B) Address : Charaman P.S. Madanhat Dist. Alipurdhwar

Beat No.

C) In case outside limit of this Police Station, then the name of

P.S. District

6. Complaint / Information :

a) Name ASI Sumit Chakraborty

b) Father's / Husband's Name

c) Date / Year of Birth

d) Nationality Indian

e) Address Madanhat P.S. Dist. Alipurdhwar

7. Details of Know / suspected / unknown / accused with full particulars : 1) Mainul Haque (40 yrs) S/o Abed Ali of Madanhat, Part-2, P.S. Gauripur, Dist. Dhubri Assam. 2) Md. Gafar Ali (35 yrs) S/o Nurul Haque of Tausha, Dist. Kokrajhar.

8. Reasons for delay in reporting by the Complainant / informant

9. Particulars of properties stolen / involved : (Attach separate sheets, if required)

one vehicle bearing no AS 17B / 7086 and 18 nos. of big size buffaloes found in different size and color.

10. Total value of properties stolen / involved

11. Inquest report / U.D. Case No. If any

12. FIR contents : (Attach separate sheets, required) The original written complaint which is treated as F.I.R. is enclosed

13. Action taken : Since the above report reveals commission of offence(s) u/s h.w.c. with

Registered the case and took up investigation / directed S.I. Pralay Debnath

To take up the investigation / transferred

to P.S. On point of Jurisdiction FIR read over to the Complainant / informant

Admitted to be correctly recorded and copy given to the Complainant / informant free of cost.

Signature / Thumb Impression of the Complainant / informant in taken in original complaint

Signature of the Officer-in-Charge, Police Station

Name Gautam Hemanta

Rank S.I. of Police, P.S. Madanhat P.S.

Number, if any Dist. Alipurdhwar

At 05/03/22

Officer-in-charge  
MADANHAT POLICE STATION  
P.O. Madanhat, Dist. Alipurdhwar

Officer-In-Charge  
Madarihat PS  
Alipurduar.



Sub: Lodging F.I.R.

Sir,

In producing herewith the accused persons namely 1. Mainul Haque (M/40 Yrs), S/O Abed Ali of Madhu Shalmari, Part-2, PS Gouripur, Dist Dhubri (Assam) 2. Md. Gaphar Ali (M/35 Yrs), S/O Nurul Haque of Tausha, Kishanganj, PS Kishanganj, Dist Kishanganj brought them to the PS under arrest along with the seized articles, viz. (1) One Vehicle (Truck) having registration number AS17B/7086 loaded with 18 nos of big size buffalos in black colours and all buffalos having horns different colours/different ages.

I Samit Chakraborty A.S.I of Police of Madarihat P.S do here by lodge this complaint to the effect that on against the driver/owner of vehicle no AS17B/7086 to the effect that today i.e. On 05.03.2022 I got an information from reliable sources that some vehicles which are carrying cattle most illegally, violating the norms, in this regard it can be intercepted on AH No-48. Somehow we managed to intercept the one vehicle on the way Chakamari Naka checking Point. During search removing the Tarpaulin sheet of the vehicle bearing no AS17B/7086 and found 18 nos of big size buffalos found in different size and colour. On enquiry, it is learnt from the driver of the vehicles namely Mainul Haque that the cattle are being brought from Panji Para and carried to Maghalaya and there is reason to believe that these cattle are going for slaughter.

On verification, all the cattle are found to be transported in the aforementioned vehicle, in most cruel manner which were fastened tightly in the vehicle and the tarpaulin were used for keeping the buffalos hide inside vehicle beyond sight of any others. There is no sufficient place for each cattle in the vehicle. The driver of the vehicle AS17B/7086 produce/show a Health certificate for the animals in respect of 12 nos of Buffalos to be transported which was issued from Animal and fisheries Resources Department Govt of Bihar office of the Veterinary Surgeon, which was duly forwarded by the Dr Vijoy Kumar Veterinary Surgeon, Kishanganj he also mentioned that the owner/ Transporter will be solely responsible for breaking any rules of law ( PCA, 1960 and Animal Transportation rule, 1976 framed by authorized Department. On search extra 06 nos of buffalos were found in that vehicle AS17B/7086 which was kept conceals in that vehicle and it was carrying stealthily or by any illegal means. It is also suspected that they also committed theft in respect of the above said 06 buffalos out of 18 buffalos. The owner of the vehicle as well as transporter of the cattle as follows:-

- a) Special license for motor vehicle meant for carrying animals to be issued from concerned R.T.O. The vehicle is not having required space as laid down in rule 125 E of Central Motor Vehicles (Eleventh Amendment) Rules, 2015 vide notification no GSR 546 ( E) dtd. 08.07.2015 came into force from 01.01.2016
- b) Violated the provision of rule 181 of West Bengal motor vehicle rules, 1989 vide notification no. TS-889 dated. 16.12.1989
- c) Rule 50 (Table - I and II) of Transport of Animals Rule, 1978 [ amended through Transportation of Animals (Amendment) rules 2009 ] Vide S.O 2465 ( E) Dtd. 22.09.2009 as required by sub section (1) of section 38 of Prevention of Cruelty to Animal Act. 1960 (59 of 1960). Size & area of the vehicle and compliance of

space requirement for each animal is not appropriate as laid down in the rule. It is to note that the average space provided per cattle in the vehicle in **less than 2(two) square meters.**

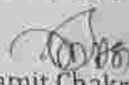
- d) Transit Certificate under Rule 96 of Transport of Animals Rule, 1978
- e) Provision for adequate food & water under Rule 54 of Transport of Animals Rule, 1978
- f) No animal attendant is found, as required as per Rule 56 of Transport of Animals Rule, 1978
- g) A valid certificate by a qualified veterinary surgeon to the effect that the cattle are in a fit condition to travel by road and not suffering any infectious contagious or parasitic diseases and vaccination proof document against various diseases under Rule 47(a) of Transport of Animals Rule, 1978
- h) The driver also failed to produce valid document as laid down in section 4(2) or 4(3) of West Bengal Animal Slaughter Control Act, 1950 (West Bengal Act 22 of 1950)
- i) All such act is punishable under 379/411/429 IPC r/w section 66(1) /192A M.V Act and 177 M.V. Act. r/w 194 (1A) of M.V. Act. It is also punishable under section 11 (1)(d) of prevention of cruelty to Animal Act. 1960(59 of 1960) as well as section 11(1)(e) of prevention of cruelty to Animal act. 1960. Further it is also punishable under section 7 of West Bengal Animal Slaughter Control Act, 1950 (West Bengal Act 22 of 1950).

Accordingly, the cattle which were kept inside the vehicle no AS17B/7086 in most cruel manner, are removed and the vehicle no AS17B/7086 18 numbers of buffalos of different shape and size are seized after preparing memo of seizure in presence of available witnesses. The provision of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 will be followed as far as possible, in this regard. The process of seizure was continued from 05:35hrs to 06:55hrs on 05.03.22.

The driver of the vehicle AS17B/7086 namely Mainul Haque (M/40 Yrs), S/O Abed Ali of Madhu Shalmari, Part-2, PS Gouripur, Dist Dhubri (Assam) and the handymen of the driver namely Gaphar Ali (M/35 Yrs), S/O Nurul Haque of Tausha, kishanganj, PS kishanganj, Dist kishanganj are arrested on 05/03/22 at 07.05hrs for violation of the provisions of IPC, M.V Act and Prevention of Cruelty to Animal Act. It is well evident that the transporter of the cattle, owner of the vehicle no AS17B/7086 allowed the driver and the handymen to transport the cattle with most cruel manner violating the provision of different laws enacted in this regard. I therefore pray before his good self that a specific case under appropriate section of law may kindly be registered against the defaulters and arrange for its investigation.

Received on 05/03/2022 at 07:45 hr  
G.D. & NO 140 and started Madanhat  
PS Case No 39/22 at 05/03/2022  
U/s 379/411/429 IPC R/w Sec 66(1) /  
192A M.V Act and 177 M.V. Act r/w  
194 (1A) of M.V Act & 11(1)(d) of Prevention  
of Cruelty to Animal Act 1960 (59 of 1960)  
11(1)(e) of Prevention of Cruelty to Animal  
Act 1960 & 7 of West Bengal Animal  
Slaughter Control Act 1950.

Yours faithfully,

  
ASI Samit Chakraborty  
Of Madanhat PS  
Dist-Alipurduar  
05/03/2022

Officer-in-charge  
MADANHAT POLICE STATION  
Madanhat, DL Alipurduar