

IN the court of [A.S.J.] Balaghat mp
Court BAHAR
present VACHASPATHI
mishra

Revision
1/18, 2/18
3/18

(1) Gantam Lal S/o Pehar Singh
v. D. Panch. Garh

(2) Sukman S/o Pehar Singh
" " "

(3) Chakr DAS S/o Dhan DAS
" " "

Revision

V

Non revision

mp 8 Feb
Through
PS Garh. Balaghat
mp

Order dated
27.6.18

(1) This order shall dispose of revision
petition N. 1/18, 2/18, 3/18 by common order,
respectively.

Vachaspathi Mishra
(वाचस्पति मिश्र) 27.6.18
प्रथम अपर सत्र न्यायाधीश
शुखला न्यायालय बैहर
जिला-बालाघाट (म.प्र.)





Order u/s 357 of CrPc

2. This revision is filed Against impugned order dated ^{11.12.2017} passed by 1st lower court by which 1st magistrate has dismissed super/nemo petition regarding seized ^{He buffalo} ~~bovine~~ under question by Garhi police under Act. 1960 (Prevention of cruelty to animal).

3. Facts in brief is that revisional petitions were found transporting ^{He buffalo} ~~bovine~~ "animal" in contravention of Act 1960 by Garhi police on festive day 30.11.17. During trial super/nemo petition filed before 1st lower court which was dismissed. Being aggrieved this rev. petition is filed u/s 357 of CrPc on the ground that 1st lower court has misdirected itself regarding correct interpretation of Act in question & dismissed super/nemo petition in contravention of Law. Thus pray to set aside.

4. Prayer for Determination
whether 1st lower court passed impugned order contrary to law?

Vachspal Singh
(वाचस्पति मिश्र) 7619
प्रथम अपर सत्र न्यायाधीश
शुक्ला न्यायालय वैहर
जिला-बालाघाट (म.प्र.)

Reasons:-

5- It is averred by Ld Counsel of revisionist that revision petitioners are lawful owners of animals in question & present sale receipts from prior owners. further there is no controversion of fact. Thus prays aforesaid order to set aside.

6- per contra Ld prosecutor argued in support of order passed by Ld lower court.

7- Record perused minutely. on close scrutiny of sale receipts it reveals that revision petitioners are legal claimants of aforesaid seized ^{the bundles} / bawies in question. It further transpires that said bawies were transported by said bawies for Agricultural purposes. Hence there is no question of controversion of fact.

8- Accordingly. Aforesaid signature petitioners regarding seized ^{the bundles} / bawies is grantworthy on strict terms as following:-

Vachark Dinkar

(वाचस्पति)

प्रथम अपर सत्र न्यायाधीश
मुखला न्यायालय, बेरार
जिल्हा-नासरापूर (महाराष्ट्र)



- (i) The revisionist petitioners are legally entitled to receive said bovines on submission of expenditure of 50 thousands in question before the lower court.
- (ii) Aforesaid bovines to be released in the favour of petitioners for agricultural use only.
- (iii) The petitioners shall not further transfer said bovines to third parties or in contravention of Act to meat lobby.
- (iv) prior to release, petitioners shall submit medical certified by competent vet. surgeon before the trial court at the interval of 6 months.

This revision petition is hereby allowed with above said orders.

Vachap - Chandra

27/6/8
(वाचस्पति मिश्र)
प्रथम अपर सत्र न्यायाधीश
श्रृंखला न्यायालय वैहर
जिला-बालाघाट (म.प्र.)