

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, RAMBAN.

File No.: 306/Cr. Misc.
Filing No.: 992/2022
CNR No.: JKRB030009932022
Case No.: 148/2022
Date of Institution: 07.12.2022
Date of Order: 08.12.2022

Shail Ahmed S/o Bashir Ahmed R/o Qazigund, Tehsil Qazigund District
Anantnag.

.....Applicant.

Through:- Mr. I. H. Malik, Advocate.

V/S

Union Territory of J&K through SHO, P/S Ramban.

.....Non-applicant.

Through:- Mr. Amit Parkash Sehgal, Ld. APP.

In the matter of:- Application for release of vehicle bearing Engine No. 846314 and Chasis No. 7345 including 10 cattles in favour of applicant.

Coram:- B. A. Munshi.

ORDER

1. The application in hand has been moved by the applicant on 07.12.2022 through Counsel for release of vehicle bearing Engine No. 846314 and Chasis No. 7345 along with cattles in his favour on supurdnama, allegedly seized by the non-applicant in a false & frivolous case and same are lying under the custody of non-applicant. The applicant is the best caretaker of the animals and will provide grass and water for feeding the animals. Moreover, applicant is ready to abide by the terms & conditions if any, imposed by the Court, while releasing the same in his favour.
2. Report called from the police Station concerned and same is annexed with the application, which reveals that vehicle bearing Engine No. 846314 and Chasis No. 7345 along with 10 bovine animals have been seized by police of P/S Ramban in case FIR No. 409/2022, U/S 188 IPC, 11 PCA Act.
3. Objections were called from the Ld. APP. Prosecution opposed the application and stated that a case FIR No. 409/2022 offences u/s 188 IPC, 11 PCA Act has been registered at P/S Ramban. The seized bovine animals were being taken illegally by the accused beyond the territorial jurisdiction of District Ramban, as such, the order of District Magistrate Ramban has been violated. The investigation of case is in progress and the applicant has not attached any document which reveals that the applicant is the driver and owner of the above said vehicle and cattles. A wrong signal would go the society if the vehicle and seized cattles are released in favour of the applicant. Moreover, the said vehicle and cattles if released in favour of applicant then the applicant will indulge

again in the said crime. If the vehicle and cattles in question are released in favour of the applicant then there is every apprehension that he will sell the said vehicle and bovine animals and will not produce as and when required by the IO or by this Court. As per rule of PCA Rules the vehicle has been held as security till release of bovine animals. Finally prayed for dismissal of the said application.

4. Heard Ld. Counsel for the applicant and perused the file.
5. No useful purpose will be served in case the vehicle along with seized cattles are allowed to remain in police custody, as they would be subjected to ravages of nature. More-so if the vehicle will remain unused shall become mechanically unusable and if the cattle remain in custody of the police they will die due to starvation.
6. Hence, for the aforesaid reasons, the vehicle in question is ordered to be released in favour of applicant on his supurdnama, after retaining original Sale Letter of the vehicle in question, with further conditions that supurdar shall not sell or dispose of the said vehicle, shall not change the nature & specifications of the said vehicle and shall be liable to produce the same before the Court as and when directed, during trial of the case.
7. And seized 10 cattles are ordered to be released in favour of rightful owner on his supurdnama, against proper verification and identification of the rightful owner and after obtaining photographs of the seized cattles, with further conditions that supurdar shall keep the cattles in his custody and he or any other person shall not be entitled to take the cattles beyond the jurisdiction of District Ramban, without prior permission of the competent authority and he will not sell the said cattles and he shall be liable to produce the same before the Court as and when directed. The accused is further directed to pay for the care and maintenance of the animals to the supuradar if any as per the Animal Welfare Board of India Circular No. 9-1/2018-19/PCA dated 03.05.2018 @ Rs. 200/- per animal for health, identification, photography and ear tagging and Rs. 200/- per day for daily care and maintenance / food and fodder. In case the accused fails to prove the ownership in that case the animals may be handed over to a Gaushala or any Government Agency that is ready to care for the animals. Application is accordingly disposed of and same shall be consigned to records after its due compilation.

Announced
08.12.2022

(UID No. JK00126)
Chief Judicial Magistrate,
Ramban