

**FORM-A****THE COURT OF THE SESSIONS JUDGE,  
GIR-SOMNATH, AT-VERAVAL****(Date of Judgment – 02.04.2026****Sessions Case No. 45/2025****Somnath Marin Police Station Cr. No. 12/2018,  
Section – 5, 6(A), 8, 10 of The Gujarat Animal Preservation  
(Amendment) Act, 2017 & 11 (D)(E)(F)(H) of The Preven-  
tion of cruelty of animal Act, 1960.**

COMPLAINANT	<b>The State of Gujarat</b>
REPRESENTED BY	Learned Additional Public Prosecutor, Mr. J.D. Pathak
ACCUSED No. 1	<b>Vijaybhai Sarmanbhai Vadher</b>
ACCUSED No. 2	<b>Surajbhai Dhirubhai Parmar</b>
ACCUSED No. 3	<b>Hareshbhai Dhirubhai Parmar</b>
REPRESENTED BY	Learned Advocate, Mr. H. N. Vala

**FORM-B**

Date of offence	15.09.2018
Date of FIR	15.09.2018
Date of Charge sheet	28.10.2018
Date of Framing of Charges	10.11.2025
Date of Commencement of evidence	02.12.2025
Date on Which Judgment is reserved	02.04.2026
Date of the Judgment	02.04.2026
Date of the Sentencing Order, if any	-

### Accused Details

Sr. No.	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged	Whether Ac-quit- ted or Con- victed	Sen- tence Im- posed	Period of De- tention under- gone u/s 428 Cr.P.C.
1	Vijayb- hai Sar- manbhai Vadher	10.10.18	10.10.18	6, 8, 10 of The Gu- jarat Ani- mal Pre- vention Act, 1954 etc.	Ac- quitted	-	-
2	Surajbhai Dhirub- hai Par- mar	10.10.18	10.10.18	"	Ac- quitted	-	-
3	Hareshb- hai Dhirub- hai par- mar	10.10.18	10.10.18	"	Ac- quitted	-	-

### FORM-C

#### LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

#### A. PROSECUTION

PW No.	Exh.	Name of Witness	Nature of Evi- dence
1	10	Vasabhai Kanabhai	Panch witness
2	12	Kasanabhai Shakrabhai Bhuriya	Police witness
3	13	Dipakbhai Balubhai Vadher	Other witness
4	14	Chetanbhai Mansingbhai Solanki	Other witness
5	15	Karshanbhai Danabhai Vadher	Other witness
6	16	Dilipbhai Babubhai Dharecha	Other witness
7	17	Bhikhabhai Kalabhai Parmar	Police witness
8	18	Ajaynath Rudranath Raval jogi	Other witness

<b>PW No.</b>	<b>Exh.</b>	<b>Name of Witness</b>	<b>Nature of Evidence</b>
9	19	Alimahmad Sulemanbhai Musani	Panch witness
10	21	Lakhdhirbhai Lakhmanbhai Parmar	Complainant
11	23	Vikramsinh Ramsinh Rathod	I.O.

**B. DEFENCE WITNESS, IF ANY:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
-	-	-

**C. DEFENCE WITNESS, IF ANY:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
-	-	-

**LIST OF PROSECUTION/DEFENCE/COURT Exh.S**

---

<b>Sr. No.</b>	<b>Exh. No.</b>	<b>Description</b>
1.	10	Panchnama.
2.	20	Panchnama.
3.	22	Complaint.

**B. Defence :**

<b>Sr. No.</b>	<b>Exh. Number</b>	<b>Description</b>
-	-	-

**C. Court Exh.s :**

<b>Sr. No.</b>	<b>Exh. Number</b>	<b>Description</b>
-	-	-

GJGS010013382025



Received on : 29.10.2025  
Registered on : 29.10.2025  
Decided on : 02.04.2026  
Duration : YY MM DD  
00 – 05 - 04

=====

**IN THE COURT OF PRINCIPAL DISTRICT AND  
SESSIONS JUDGE, GIR-SOMNATH AT VERAVAL.**

=====

**Sessions Case No. 45 OF 2025**

**Exh.\_\_\_\_\_.**

**Complainant : State of Gujarat**

**V/s.**

**Accused No.1: Vijaybhai Sarmanbhai Vadher**  
Age: 34 years, Occupation: Driving  
R/o. :Bhanduri, Ta. Maliya Hatina.

**Accused No.2: Surajbhai Dhirubhai Parmar**  
Age: 20 years, Occupation:  
R/o. : Bhanduri, Ta. Maliya Hatina.

**Accused No.3: Hareshbhai Dhirubhai Parmar**  
Age: 23 years, Occupation :  
R/o. : Dari, Tal. : Veraval.

=====

**Appearance :-**

Ld. P.P. Mr. J. D. Pathak for the State/Prosecution.

Ld. Advocate Mr. H. N. Vala for the Accused persons.

=====

**:: J U D G M E N T ::**

1. The present Accused persons have been charge-sheeted by the Somnath Marine Police Station for the commission of offences punishable under Section 5, 6(A) & Section 8 & 10 of The Gujarat Animal Prevention Act, 1954 (Amendment Act, 2017) and Section 11(D), (E), (F), (H) of the Prevention of Cruelty of Animals Act, 1960 registered with Somnath Marine Police Station vide C.R. No. 3012/2018.

**Prosecution Case.**

2. The short facts of the Prosecution case is as under :-
  1. On dated 15.09.2018, the complainant L.L. Parmar, Head Constable, Somnath Marine Police Station, along with P.I. V.R. Rathod and other police staff were on patrolling duty within the jurisdiction of the Somnath Marine Police Station.
  2. At about 21:40 hours, a message was received from the State Control Room (100 number) that at village Dari a vehicle carrying cattle illegally had been stopped.
  3. Acting upon the said information, the police party immediately proceeded to village Dari, where a white coloured Tata Mahindra Bolero pickup vehicle bearing registration No. GJ-11-TT-7345 was found stationed.
  4. Upon inspection, neither the driver nor the cleaner were present at the spot and it appeared that they had fled away.

5. On checking the vehicle, two calves of different colours were found tied inside the vehicle in a cruel and painful manner with ropes and it was suspected that they were being transported for illegal slaughter.
  6. Two panch witnesses were called and in their presence, a panchnama was drawn between 22:00 and 23:00 hours.
  7. The two calves were valued at Rs.4,000/- (Rs.2,000/- each) and the vehicle used in the commission of the offence was valued at Rs.2,00,000/-. The total mud-damal valued at Rs.2,04,000/- was seized.
  8. The rescued calves were sent to Panjarapole at village Umba for proper care and custody.
  9. On the basis of the above facts, the offence came to be registered against the accused persons under Section 11(D), (E), (F), (H) of the Prevention of Cruelty to Animals Act, 1960 and Sections 5, 6(A), 8 & 10 of the Gujarat Animal Preservation Act, 1954 (as amended).
3. On the basis of the above complaint, being FIR No. II-12/2018 registered with Somnath Marin Police Station under Section 5, 6(A) & Section 8 & 10 of The Gujarat Animal Prevention Act, 1954 (Amendment Act, 2017) and Section 11(D), (E), (F), (H) of the Prevention of Cruelty of Animals Act, 1960. The FIR was recorded in the station diary and the investigation was assigned to the Investigation Officer. The investigating officer examined the materials, collected details regarding the calves, recorded witness statements, arrested the accused and upon finding sufficient

evidence, filed a charge sheet before the Ld. Magistrate, Veraval, which was registered as Criminal Case No. 925/2018.

**CHARGE SHEET AND COMMITTAL**

4. Summons were issued to the accused persons. The accused persons appeared before the said Court and were duly furnished with the copies of the charge-sheet and all relevant documents as mandated under Section 207 of the Code of Criminal Procedure. As the offences alleged against the accused were exclusively triable by the Court of Sessions, the learned Magistrate, Veraval, committed the case to the Court of Sessions under Section 209 of the Code of Criminal Procedure, whereby the case came to be registered as Sessions Case No. 45 of 2025 before this Court.

**Charge**

5. The charge was framed against the three accused persons for the offences punishable as stated herein-above and the said was read over and explained to the accused in vernacular language, to which they pleaded not guilty. Thereafter, the trial commenced. During the course of the trial, the accused preferred an application Exh.09, whereby the accused requested this Court to accept the evidence recorded in Criminal Case No. 925/2018 before the Ld. Magistrate at Veraval. The prosecution waived its right to examine the witnesses already examined by Ld. Magistrate and requested this Court to exhibit all the evidence lead in Criminal Case No. 925/2018 in this case i.e. Sessions Case No.

45 of 2025. All the evidence lead before the Ld. Magistrate in Criminal Case No. 925/2018 was accepted as relevant evidence under Section 33 of the Evidence Act and application Exh.09 was allowed. The prosecution thereafter examined the remaining witnesses and also produced documentary evidence, the details of which are enumerated in **Form-C** of this judgment. Upon completion of oral as well as documentary evidence, the learned Public Prosecutor filed a closing pursis at Exh.24, declaring closure of the prosecution evidence. Thereafter, the accused persons were examined under Section 313 of the Code of Criminal Procedure with regard to the incriminating circumstances appearing against them in the prosecution evidence. The accused persons denied all such allegations and stated that they have been falsely implicated in the present case. They did not choose to lead any defence evidence.

6. After completion of the evidence, learned Public Prosecutor as well as the learned Advocate for the accused advanced their respective arguments, which this Court has duly considered.

**Submissions on behalf of the prosecution:-**

The learned Public Prosecutor, while supporting the case of the prosecution, has contended inter alia that;

That on 15.10.2018 at about 23:00 hours, near Garbi Chowk, village Dari, accused No.1, being the owner of Tata Pickup vehicle bearing Registration No. GJ-11-TT-7345, transported two calves in the said vehicle. It is alleged that the said calves were tied in a cruel and painful manner with

ropes with the intention of slaughter and were being transported without any lawful authority or valid documents. The calves were valued at Rs.4,000/- and it is the case of the prosecution that the accused persons, in furtherance of their common intention, aided and abetted each other in the commission of the said offence. In order to prove the charges against the accused, the prosecution has adduced both oral as well as documentary evidence. It is the contention of the prosecution that from the evidence on record, the case against the accused stands proved and therefore, the accused are liable to be awarded the maximum punishment as prescribed under law.

**Submissions on behalf of the Accused :-**

The accused persons are absolutely innocent and have not committed any offence. It is contended that despite no offence being committed, the Investigating Officer has falsely filed a charge-sheet against the accused and on the basis of such false charge-sheet, the present case has been instituted against them. It is further submitted that the oral as well as documentary evidence adduced by the prosecution is not sufficient to prove the case against the accused. It is specifically contended that the two panch witnesses examined in respect of the alleged raid have not supported the panchnama proceedings in any manner. It is also submitted that the complainant and other independent witnesses examined by the prosecution have not supported the prosecution case, and therefore, their evidence does not establish the guilt of the accused. It is further argued that from the evidence of

the police witnesses, there is no material on record to establish that the accused had tied the calves in a cruel and painful manner with the intention of slaughtering them. It is also contended that no evidence has been produced to show that the calves had sustained any injuries nor has any documentary evidence in that regard been placed on record. It is further submitted that though the vehicle was seized by the police, no evidence has been produced by the prosecution to establish the ownership of the said vehicle. In view of the aforesaid circumstances, it is contended that the prosecution has miserably failed to prove the case beyond reasonable doubt and therefore, the accused deserve to be acquitted of all the charges.

6. From the aforesaid submissions of both the parties this Court requires to determine the following points:-

**Points of determination**

1. Whether the prosecution proves beyond reasonable doubt that the accused persons were found transporting two calves in Tata Pickup Vehicle No. GJ-11-TT-7345 in contravention of Sections 5, 6(A), 8 and 10 of the Gujarat Animal Preservation (Amendment) Act, 2017?
2. Whether the prosecution further proves beyond reasonable doubt that the accused persons treated the said calves in a cruel and painful manner with the intention of slaughter, thereby committing an offence punishable under Section 11(D)(E)(F)(H) of the Prevention of Cruelty to Animals Act, 1960?
3. What order ?

7. I Answer for the aforesaid issues as under :-
1. In the negative
  2. In the negative
  3. As per final order.

**-:: REASONS ::-**

**Point No.1:-**

8. Before, I decide the points formulated by this court, it is first required to see the statement of objects and reasons for the amendment carried out in 2017. The said amendment 2017 was brought in to for the reason that the amendment of 2011 was not implemented properly and for better implementation of the Gujarat Animal Preservation Act, 1954 more stringent provisions were required to made by amending the said Act for curbing the menace of illegal slaughtering of the animals covered under the said Act to provide for more stringent punishment and effectively check the rampant use of vehicles for transporting such animals. Therefore, Section 6(A)(1), 6(3), 6(4) were amended providing for forfeit to Government, the vehicle and or conveyance used in transporting vehicles beef and meat products. Amendment made in 2011 classified the animals wherein no certificate could be granted to slaughter animals. Even the severity of the punishment for contravening of the Section 6(A)(1), 6(3), 6(4) was enhanced under section 8 of the Gujarat Animal Preservation Act, whereby the minimum punishment made “not less than 10 years” and the maximum made “upto life with minimum fine of rupees 1 lac and maximum upto 5

lacs". Since the amendments made provided for stringent provisions and stringent punishment, therefore, duty was cast upon the police officer to investigate the offences with greater precision and concrete evidence. In order to decide this matter, the relevant provision of The Gujarat Animal Preservation Act, 1954 with amendment of 2011 and 2017 are herewith reproduced below.

9. The Acts provides for appointment of competent authority under Section 4, which reads thus;

**4. Appointment of Competent Authority :**

*The State Government may, by notification in the Official Gazette, appoint a person or a body of persons to perform the functions of a Competent Authority under this Act. For such local area as may be specified in the notification.*

In pursuance to Section 4, the Government of Gujarat issued a Notification, dated 8 September, 1982 appointing competent Authority. The Notification is reproduced herein below:-

**NOTIFICATION**

*In modification of the notification of the Government of Gujarat in Agriculture, Forests and Co-operation Department vide Notification No. GH-KH-200-SLT-1061/4247/R(2), dated 10th July, 1973 the following notification is issued.*

*In exercise of the powers conferred by Section 4 of the Bombay Animal Preservation Act, 1954 (Bom. LXXII of 1954), the Government of Gujarat hereby appoints each of the Venterinary Officers in charge of a Veterinary Hospital/Dispensary in the Gujarat State to be a competent authority for the local area (within his jurisdiction) provided further that the competent authority i.e. concerned Veterinary Officer before taking decision for issuing certificate required under the Section 5 of the aforesaid Act shall take into consideration the advice tendered by the panel of members of the advisory committee present on the spot if any. The Panel*

*of members of the advisory committee not more than three for each of the regulated slaughter house will be appointed by the Director of Animal Husbandry from time to time.*

*[Noti. No. GHKH-205/82/SLT 1082-PM-1-P(1) dt. 8-10-1982-Guj. Govt. Gaz. Ex. Pt. IV-B dt. 18-10-1982 P. 218].*

Therefore, according to the Notification, the Veterinary Officer in charge of a Veterinary Hospital/Dispensary in any local area was appointed as a competent authority.

- 10.** Section 6 provides Prohibition for slaughter of animals in places not specified. Section 6(A) was added in Section 6, which is reproduced here under;

***6A. Prohibition against transportation of specified animals for slaughter:***

*(1) No person shall transport or offer for transport or cause to be transported any animal specified in sub-section (1A) of section 5 from any place within the State to any another place within the State for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be so slaughtered:*

*Provided that a person shall be deemed to be transporting such animal for the purpose of slaughter unless contrary is proved thereto to the satisfaction of the concerned authority or officer by such person or he has obtained a permit under sub-section (2) for transporting animal for bona fide agricultural or animal husbandry purpose from such authority or officer as the State Government may appoint in this behalf.*

*2) (a) A person may make an application in the prescribed form to the authority or officer referred to in sub-section (1) for grant of permit in writing for transportation of any animal specified in sub-section (1A) of section 5 from any place within the State to any another place within the State.*

*(b) If, on receipt of any such application for grant of permit, such authority is of the opinion*

*that grant of permit shall not be detrimental to the object of the Act, it may grant permit in such form and on payment of such fee as may be prescribed and subject to such conditions as it may think fit to impose in accordance with such rules as may be prescribed.*

- (3) *Whenever any person transports or causes to be transported in contravention of provisions of sub-section (1) any animal as specified in sub-section (1A) of section 5, such vehicle or any conveyance used in transporting such animal alongwith such animal shall be liable to be seized by such authority or officer as the State Government may appoint in this behalf.*

*[(4) The vehicle or any conveyance so seized under sub-section(3) shall stand forfeited to Government in the manner as may be prescribed.]*

Section 8 provides for penalty, which reads thus;

**8. Penalties:**

*(1) Whoever in contravention of the provisions of sub-section (1) of section 5, slaughters any animal without a certificate for which such certificate is required, shall, on conviction be punished with imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees.*

*(2) Whoever in contravention of the provisions of sub-section (1) of section 5, slaughters any animal as specified in sub-section (1A) of section 5 shall, on conviction, be punished with imprisonment for life but shall not be less than ten years and with fine which may extend to five lac rupees but shall not be less than one lac rupees)*

*(3) Whoever contravenes the provisions of sections 6 shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees.*

*(4) Whoever contravenes the provisions of section f6A or 68 shall, on conviction, be punished with [imprisonment for a term which may extend to ten years but shall not be less than seven years and with fine which may be extend to five lac rupees but shall not be less than one lakh rupees.]*

Section 10 deals with abetments and attempts, which reads thus;

**10. Abetments and attempts:**

*Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.*

Section 11(d), (e), (f), (h) deals with treating animals cruelly, which reads thus;

**(11) Treating animals cruelly.-** (1) *If any person-*  
 (d) *conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or*  
 (e) *keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or*  
 (f) *keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or*  
 (h) *being the owner of any animal], fails to provide such animal with sufficient food, drink or shelter;*

**Point No.1 :-**

11. After having referred the relevant provisions of the Gujarat Animal Preservation Act, 1954 (As amended) herein after referred to as “Animal Preservation Act”, now, I decide point No.1. The accused are charge for contravention of provisions of Section 6(A) of the Gujarat Animal Preservation Act, 1954 and Section 8 & 10 of The Gujarat Animal Preservation Act, 1954 (Amendment Act, 2011 – 2017).
12. In order to prove its case, the prosecution has examined the panch witness of the seizure panchnama, namely Vasabhai Kanabhai (P.W.-1) at Exh.10 and another panch Alimahammad Sulemanbhai Musani (P.W.-9) at Exh.19.

Both these panch witnesses have identified their signatures on the panchnama produced at Exh.40. However, except identifying their signatures, they have not supported the panchnama proceedings in any manner. As they did not support the case of the prosecution, they were declared hostile and were cross-examined at length by the learned A.P.P. However, even from their cross-examination, nothing has been elicited which supports the prosecution case. Further, in their cross-examination by the defence, both the panch witnesses have admitted that except signing the prepared panchnama, they do not know anything about its contents and they were not aware of what was written therein.

13. The prosecution has examined **P.W.-8 Ajaynath Rudranath Raval Jogi** at Exh.18. In his examination-in-chief, P.W.-8 has deposed that the incident had occurred about four years prior to his deposition. At the relevant time, he was at Veraval. He received a phone call from his friend Chetanbhai Solanki of village Dari, who informed him that near Dari Bus Stand, two calves were tied in a cruel manner in a Bolero pickup van and requested him to inform the Marine Police if he had their contact number. Accordingly, P.W.-8 informed the Marine Police Station from his mobile phone. He has further stated that, when he subsequently went to the place of incident, his friends informed him that the Marine Police had taken the two calves to the police station. He has deposed that the vehicle in which the calves were tied, the last four digits of the vehicle is "4573" and that two calves were tied in a cruel manner therein.

According to him, three persons were present in the pickup van at the relevant time and one of them, namely accused Haresh Dhiru, was known to him. However, in his cross-examination by the defence, P.W.-8 has admitted that, he had not personally witnessed the incident. He has further admitted that the facts of the incident were conveyed to him by his friend. He has also admitted that, the vehicle number was informed to him by his friend. He has further stated that, he does not know to whom the calves belonged.

14. The prosecution has examined **P.W.-7 Bhikhbhai Kalabhai Parmar** at Exh.17. In his examination-in-chief, P.W.-7 has deposed that on 16.09.2018, while he was on patrolling duty, a phone call was received on the 100 number informing that at village Dari, two calves were tied in a Bolero pickup van bearing Registration No. GJ-11-TT-7345. Upon receiving the said information, he proceeded to village Dari. On reaching there, he found that two calves were tied in the said Bolero vehicle in a cruel manner. No other person was found present in the said vehicle. He has further deposed that thereafter his superior officer prepared a panchnama, seized the muddamal, sent the calves to the Panjarapole and lodged a complaint against the accused. In his cross-examination by the defence, P.W.-7 has admitted that he had gone to the place of incident on the basis of information received. He has further admitted that, the complaint was lodged after reaching the spot on the basis of such information. He has also admitted that no driver, cleaner or any other person was found present in the Bolero vehicle at the spot. He has further admitted

that no person claiming ownership of the calves was found present at the place of incident. He has also admitted that, in his presence no verification regarding the ownership of the calves was carried out, nor was any documentary proof regarding ownership seized.

15. The prosecution has examined **P.W.-2 Karsanbhai Shankarbhai Bhuriya** at Exh.12. In his examination-in-chief, P.W.-2 has deposed that, on 16.09.2018, he was serving at Somnath Marine Police Station. At about 16:00 hours, while the police staff was on patrolling duty, information was received on the 100 number that at village Dari, cattle being transported illegally. Upon receiving the said information, they proceeded to the spot and found a white coloured Bolero pickup van bearing Registration No. GJ-11-TT-7345. On inspection, two calves were found tied inside the vehicle in a cruel manner. He has further deposed that, thereafter a panchnama was prepared, the muddamal was seized, the calves were sent to the Panjarapole and Head Constable Shri L.L. Parmar lodged the complaint against the accused. In his cross-examination by the defence, P.W.-2 has admitted that, when the vehicle was seized, no accused person was found present at the spot. He has also admitted that the panchnama was not prepared by him but by his superior officer.
16. The prosecution has examined **P.W.-3 Dipakbhai Balubhai Vadher** at Exh.13, **P.W.-4 Chetanbhai Mansingbhai Solanki** at Exh.14, **P.W.-5 Karshanbhai Danabhai Vadher** at Exh.15, and **P.W.-6 Dilipbhai**

**Babubhai Dharecha** at Exh.16. All these witnesses are independent witnesses. However, as they did not support the case of the prosecution in any manner, they were declared hostile and were cross-examined at length by the learned A.P.P. Even from their cross-examination, no material has been brought on record which supports the prosecution case. Further, in their cross-examination by the defence, all these witnesses have admitted that, they have no knowledge regarding the incident. They have also admitted that, they had neither seen the Bolero vehicle nor any cattle inside it, and they are not aware as to who is the owner of the said vehicle.

17. The prosecution has examined **P.W.-10 Ladhahirbhai Lakhmanbhai Parmar** at Exh.21. In his examination-in-chief, P.W.-10 has deposed that, on 15.09.2018, while he and his staff were on patrolling duty at about 16:00 hours, at about 21:40 hours the P.S.O. informed him that Ajaynath Rudranath Raval had made a call on the 100 number stating that at village Dari a vehicle carrying cattle illegally had been stopped. Upon receiving such information, they proceeded to village Dari, where a Bolero pickup vehicle bearing Registration No. GJ-11-TT-7345 was found. On inspection, calves were found tied in the vehicle in a cruel manner. He has further deposed that his superior officer called two panch witnesses and prepared a panchnama, seized the muddamal, and thereafter this witness lodged the complaint produced at Exh.22 against the accused. He has further stated that, he took over the investigation of the offence, recorded the statements of the concerned witnesses

and upon finding sufficient evidence against the accused, filed the charge-sheet before the learned Court. He has also stated that he knows the accused persons. In his cross-examination by the defence, P.W.-10 has admitted that, he came to know about the incident only after the call made by Ajaybhai Rudranath on the 100 number. He has further admitted that, when they reached Garbi Chowk at village Dari, no accused persons were present there. He has also admitted that, at the time of the incident, he was not aware as to who the accused persons were. He has further admitted that, during the course of investigation, it was not revealed that there was any slaughterhouse at village Dari.

18. The prosecution has examined **P.W.-11 Vikramsinh Ramsinh Rathod** at Exh.23. In his examination-in-chief, P.W.-11 has deposed that, in the year 2018, he was serving at Somnath Marine Police Station. While he and his staff were on patrolling duty, at about 21:40 hours a call was received on the 100 number from Amarnath Rudranath informing that at village Dari, cattle being transported in an illegal vehicle had been stopped. Upon receiving the said information, they proceeded to the place of incident. There, vehicle No. GJ-11-TT-7345 was found and inside the said vehicle, two calves were found tied in a distressing and cruel manner. He has further deposed that two panch witnesses were called and a panchnama was prepared. The calves were sent to the Panjarapole for proper care, and thereafter Head Constable Shri L.L. Parmar lodged the complaint against the accused in accordance with law. In his cross-examination by the defence, P.W.-11 has admitted

that at the time of lodging the complaint, the names of the accused were not mentioned therein. He has further admitted that, no documentary proof regarding the ownership of the Bolero vehicle was seized by him. He has also admitted that at the time of the incident, the owner of the calves was not present at the spot.

19. Point No.1 is regarding whether the prosecution proves beyond reasonable doubt that the accused persons were found transporting calves in Tata Pickup Vehicle No. GJ-11-TT-7345 in contravention of Sections 5, 6(A), 8 and 10 of the Gujarat Animal Preservation (Amendment) Act, 2017?
20. To prove this charge, the prosecution was required to establish not only that the animals were being transported, but also that such transportation was for the purpose of slaughter or with the knowledge that the animals were likely to be slaughtered. In view of the severe punishment prescribed under the Act, the law requires strict and reliable proof of these essential ingredients.
21. In the present case, the prosecution has relied upon the seizure panchnama produced at Exh.11 in order to prove its case. However, both the panch witnesses to the said panchnama have been examined by the prosecution in this case and neither of them has supported the panchnama proceedings in any manner. In their cross-examination, they have merely stated that, they had signed the prepared document and have not supported the contents thereof. In such circumstances, it does not appear that the panchnama

proceedings were carried out in a fair, impartial and transparent manner by the police.

22. The prosecution has examined the complainant at Exh.21. According to his evidence, upon receiving information from Ajaynath Rudranath, he proceeded to the place of incident along with the staff. There, he found two calves tied in a cruel manner inside the muddamal Bolero vehicle and accordingly seized the muddamal and lodged a complaint against the accused. However, as admitted by this witness in his cross-examination, when he reached the spot, the accused were not present along with the muddamal vehicle. He has further admitted that at the time of the incident, he was not aware as to who the accused persons were. He has also stated that, during the course of investigation, it was not revealed that, there was any slaughterhouse at village Dari. It further emerges from his evidence that, he had proceeded to the spot on the basis of information given by Ajaynath Rudranath Raval. The prosecution has examined the said Ajaynath Rudranath at Exh.18, who has deposed that, he informed the police after receiving information from his friend Chetanbhai Solanki. However, when the evidence of Chetanbhai Mansingbhai Solanki, examined at Exh.14, is considered, he has not supported the case of the prosecution in any manner. Therefore, no support is derived from his deposition. Moreover, the prosecution has examined other independent witnesses, namely Dipakbhai Balubhai Vadher at Exh.13, Karshanbhai Danabhai Vadher at Exh.15, and Dilipbhai Babubhai Dharecha at Exh.16. These witnesses have also not supported the prosecution

case. Hence, their evidence does not lend any support to the prosecution version. Further, the prosecution has not produced any evidence to show that the calves seized had sustained any injuries or that any medical treatment was provided to them. No veterinary officer has been examined in this regard. Additionally, though the calves were allegedly found in the vehicle, the prosecution has not produced any evidence to establish who was the owner of the said vehicle. In view of the above circumstances, it cannot be said that the prosecution has proved that the accused were transporting the calves in a cruel manner with the intention of slaughter.

23. The prosecution has failed to produce any clear and reliable evidence to prove intention to slaughter. Mere transportation of animals, without proof of intention or knowledge regarding slaughter, is not sufficient to attract the provisions of Section 6(A) of the Act. The presumption under the proviso to Section 6(A) is rebuttable and in the present case, the evidence on record rebuts such presumption.
24. Criminal law requires proof beyond reasonable doubt. In the present case, the evidence led by the prosecution is not sufficient to meet this standard. On the contrary, it creates reasonable doubt regarding the prosecution case. Therefore, this Court holds that the prosecution has failed to prove the charge under Sections 6(A), 8 and 10 of the Gujarat Animal Preservation Act beyond reasonable doubt. Hence, Point No.1 is answered in the Negative.

**Point No.2:-**

25. Point No.2 relates to whether the prosecution further proves beyond reasonable doubt that the accused persons treated the said calves in a cruel and painful manner with the intention of slaughter, thereby committing an offence punishable under Section 11(D)(E)(F)(H) of the Prevention of Cruelty to Animals Act, 1960?
26. To prove cruelty under the said provisions, the prosecution must establish that the animals were conveyed, confined or handled in such a manner as to cause unnecessary pain or suffering. Such cruelty must be proved by reliable evidence, preferably supported by medical or expert opinion.
27. From the evidence of all the witnesses examined by the prosecution in the present case, as well as from the panchnama produced at Exh.11, it does not emerge that the seized calves had sustained any injuries or that any medical treatment was provided to them. No such evidence has been produced by the prosecution in this regard. Further, no veterinary officer has been examined to establish that the calves were subjected to cruelty or were tied in a cruel and distressing manner. The prosecution has also not produced any supporting material such as photographs or video recordings to demonstrate that the calves were tied in a cruel and painful manner. In absence of such cogent and reliable evidence, it cannot be said that the prosecution has proved beyond reasonable doubt that the calves were treated with cruelty. Therefore, the accused cannot be held guilty for the

alleged offence under the Prevention of Cruelty to Animals Act.

28. When medical evidence does not corroborate the allegation of cruelty and when there is no other reliable evidence on record, it would be unsafe to hold the accused guilty for the offences under the Prevention of Cruelty to Animals Act. Therefore, this Court is of the considered opinion that the prosecution has failed to prove the essential ingredients of offences under Sections 11(d), 11(e), 11(f), 11(h) of the Prevention of Cruelty to Animals Act. Hence, Point No.2 is also answered in the Negative.
29. In view of the findings recorded on Point No.1 and Point No.2 and for the reasons discussed herein above, this Court holds that, the prosecution has failed to prove the charges levelled against the accused persons beyond reasonable doubt. Hence, all the accused persons are hereby acquitted of the offences punishable under Sections 5, 6(A), 8 and 10 of The Gujarat Animal Preservation Act, 1954 (as amended), and Sections 11(d), 11(e), 11(f), 11(h) of the Prevention of Cruelty to Animals Act, 1960, by extending to them the benefit of doubt, under Section 235(1) of the Code of Criminal Procedure. In view of the above, I pass the following order.

### **ORDER**

1. The accused persons, namely (i) Vijaybhai Sarmanbhai Vadher, (ii) Surajbhai Dhirubhai Parmar and (iii) Hareshbhai Dhirubhai Parmar are hereby given the benefit of doubt and acquitted under Section

235(1) of Cr.P.C. for the offences punishable under Sections 5, 6(A), 8 and 10 of The Gujarat Animal Preservation Act, 1954 (as amended), and Sections 11(d), 11(e), 11(f), 11(h) of the Prevention of Cruelty to Animals Act, 1960.

2. The accused persons shall submit the surety of Rs.15,000/- (Rs. Fifteen Thousand Only) as provided U/s 437(A) of the Cr.P.C.
3. The bail bonds executed by the accused persons stand cancelled. Sureties, if any, are discharged.
4. As regards the muddamal vehicle, namely Tata Pickup Bolero bearing Registration No. GJ-11-TT-7345, if any previous order has been passed concerning the said vehicle, the same shall stand confirmed. Otherwise, upon due verification of ownership, the vehicle shall be returned to its rightful owner after the expiry of the appeal period, in accordance with law.
5. Record and proceedings of the case be sent back to the concerned Court forthwith, after due compliance.

Signed and Pronounced in the Open Court today on this 02<sup>nd</sup> day of the month of April, 2026.

Date : 02.04.2026.  
Place: Veraval.

**(Vikramsinh Balvantsinh Gohil)**  
Principal District & Sessions Judge,  
Gir-Somnath @ Veraval.  
Code No.GJ01042