



**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
JOTANA**

CRIMINAL CASE NO. 9/2024

Received on : 16/06/2005
Registered on : 16/06/2005
Decided on : 30/04/2026

The State of Gujarat.

...Prosecution

Versus

- (1) **Saiyad Fakir Mahmad Nuruddinmiya,**
R/O - Dhanali, Tal. Kadi.
(2) **Shekh Mustufa Kasambhai,**
(3) **Shekh Mahmad Sahidbhai Abdul**
Rahemanbhai,
R/O - Baherampura, Ahmedabad.
(4) **Kureshi Mahmad Ekabalbhai Hasambhai,**
(5) **Shekh Javid Mahmadsafibhai,**
(6) **Shekh Makbul Ahemadbhai Abdulbhai,**
R/O - Mirzapur, Ahmedabad.

...Accused

Accusation:

FIR no. - II/105/2005 Kadi Police Station

Prevention Of Cruelty To Animals Act - Sections 11(1)a

Gujarat (Bombay) Animal Preservation Act - Sections 5, 8

Appearance:

1. Ld. Special PP Mr. B. B. Chavda for the Prosecution

JUDGMENT

1. Brief facts of the prosecution's case are as follows. On 01/04/2005, during a night patrol near Village Dhanali (Katosan) at around 02:00 hours, the accused persons were caught with 6 bulls and 2 cows and 1 calf found tied cruelly. Among them 2 male cows and 2 female cows were killed and were being prepared to be transported by vehicle number GJ 06 T 5297. Consequently the present FIR II/105/2005 was registered at Kadi Police Station for offences under sections 11(1)a of Prevention Of Cruelty To Animals Act, and sections 5, 8 of the Gujarat (Bombay) Animal Preservation Act. After completing the investigation the present chargesheet came to be filed on date 16/06/2005.

2. After registering the present case, summons were issued to the accused persons which could not be served and their presence could not be secured. The non service to the accused as well as their sureties continued for almost 2 decades until date 24/02/2023, when order under section 299 was passed by my predecessor to begin recording evidence of the prosecution.

3. Thereafter, processes were issued to witnesses multiple times which were returned unserved multiple times and the prosecution was unable to secure the presence of key witnesses including panch witnesses and even police witnesses. Thereafter as a last resort the processes were handed over to Ld. Special PP for service, however they also remained unserved. Consequently with no other option the right of prosecution to lead evidence had to be closed. The only witness who has been examined by the prosecution is a panch witness at Exhibit 22, who has also turned

hostile. All of the unserved processes have been taken on at Exhibits 27 and 29 to 32.

4. This Court is placed in a difficult position where the mandate to deliver justice is stalled by the Prosecution's persistent inability to produce either the Accused or the aggrieved party. To keep this matter pending indefinitely, especially considering its significant age, would be to prioritize the mere form of legal process over the actual substance of justice. The court's dilemma lies in balancing the hope for a future trial against the reality that, without the necessary stakeholders, these proceedings have become a futile exercise that unfairly burdens the judicial system. As the Prosecution has failed to show any progress or provide a timeline for the presence of the parties, this Court is not inclined to let the case linger on the docket as a dead-end matter. Consequently, to prevent any further abuse of the legal process and in the interest of a timely resolution, the Accused is hereby discharged and the case stands disposed of.

Signed and pronounced in the open court on the 30th day of April, 2026,
at Jotana.

Date: 30/04/2026

**Place: Jotana,
Dist. - Mahesana**

(SAUMITRA BHADAURIA)

**Judicial Magistrate First Class,
Jotana**

GJ01691