

HRPL010060452025



Presented on : 28-08-2025

Registered on : 28-08-2025

Decided on : 01-10-2025

Duration : 0 years, 1 months, 4 days

IN THE COURT OF
Additional District and Sessions Judge
AT ,Palwal
(Presided Over by Sh.Abhishek Phutela)

CRR/72/2025

Case Type	Criminal Revision
Institution Number	26 of 28.8.2025
CNR Number.	HRPL01-006045-2025
CIS Number	CRR -72- 2025
Date of Order	01.10.2025

Ashish Kumar Tiwari son of Sh. Ram Bihari Tiwari, aged about 34 years, resident of Khasera No.275, Pavi Sadanapur, Ghaziabad, UP.

.....Revisionist/applicant/owner

vs.

The State of Haryana

..... Respondent

FIR No.200 dated 04.7.2025
Under Sections 13(2),17, 5 HGS & GS Act
& Section 11 of Prevention of Cruelty
to Animals Act
P.S. Hodal

(Abhishek Phutela)
Addl.Sessions Judge,
Palwal, (UID No. HR0220)
01.10.2025

Criminal Revision against the order dated 12.8.2025 passed by the Court of Ms. Anjali Jain, Id. ACJM Palwal by which the superdari application of vehicle bearing registration no. DL-1LAN-8881 was dismissed.

Argued by: Sh. Ashok Kumar, Advocate for revisionist
Sh. Net Ram, Public Prosecutor for respondent

ORDER:

This is to dispose of the Criminal Revision Petition against the impugned order dated 12.08.2025 passed by the learned Additional Chief Judicial Magistrate, Palwal, whereby the application seeking release of vehicle bearing registration no. DL-1LAN-8881 on superdari was dismissed.

FACTUAL BACKGROUND:

2. On 4-7-25 a vehicle bearing registration number DL1LAN-8881 was found carrying two cows and one bull. The recovery proceedings were videographed, and a seizure memo of the vehicle along with the cattle was prepared. The cattle were treated as case property and taken into police possession. Subsequently, the rescued cattle were handed over to Golmdas Gaushala, Marouli, and a proper receipt of delivery was obtained. The accused driver, Ashish Tiwari, was arrested on 05.07.2025 in accordance with law and was produced before the Court. Upon being presented before the Court, he was remanded to judicial custody at Neemka Jail. Later, the

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Investigating Officer submitted a request to SDM for the confiscation of the vehicle DL1LAN-8881 under the provisions of Section 17 of the Act.

3. The revisionist has assailed the impugned order dated 12.8.2025 stating that the revisionist is the registered owner of the above said vehicle and same has been taken into custody by the police. The vehicle of the revisionist has been seized by the respondent in the present case. The applicant is in need of the above said vehicle. No fruitful purpose would be served by keeping the vehicle in the police possession. The above said vehicle is only income source of the revisionist and the revisionist is suffering a loss of income day by day due to absence to the above said vehicle. The revisionist/owner undertakes that he will not change the shape and colour of the vehicle and will produce the same as and when required by the Court. The revisionist/owner filed an application for releasing the vehicle/Chhota Hathi Pickup bearing its registration No. DL-1LAN-8881 on superdari, but despite it the learned ACJM Palwal dismissed the above said application of the revisionist/owner vide order dated 12.08.2025. The revisionist has assailed the impugned order dated 12.8.2025 for setting aside on the following grounds:-

- a) The order of Learned Trial Court is based on conjectures and surmises and not based on the merits of the evidence available on the file.

- b) The order of the learned Trial Court is against the facts and circumstances of the case. .
- c) The above said vehicle of the revisionist has been falsely seized in the above noted case by the local police and is lying in police custody as unused in the Police Station Hodal.
- d) The vehicle lying in the custody of the police as unused and the parking of vehicle for a sustained period of time, however, can potentially cause damage to the tyres.
- e) The applicant is in need of the said vehicle, if the above said vehicle of the applicant will not be released to him then he will suffer an irreparable loss and injury.
- f) The vehicle of the revisionist/owner is falsely implicated in the above noted case, but the learned Trial Court also ignored this fact, wrongly dismissed the application of revisionist.
- g) The applicant has been deprived of his livelihood, as the vehicle is lying idle in the Police Station compound and there is every danger of the vehicle getting damaged due to vagarious of weather. Further, there may be theft of its tyres and other valuable parts, but the learned Trial Court ignoring the facts mentioned above passed the above said order dated 12.8.2025 and same is liable to be set aside.
- h) Now, the Local police has not any need of above said vehicle for further investigation while the owner require the same for his use, but the learned Trial Court also ignored this fact, wrongly dismissed the application of the revisionist/owner.

- i) The order of dismissal is against the facts, circumstances and facts available on the file.
- j) The revisionist is the owner of the above said vehicle and he wants to take the above said vehicle on superdari from this Court and he undertakes that he will produce the said vehicle as and when required by this Court as well as local police.
- k) If the order dated 12.8.2025 is not set-aside and the criminal revision of the owner/revisionist may not be allowed and the above said vehicle of the revisionist/owner will not be released then it would cause miscarriage of justice to the revisionist.
- l) The criminal revision is within time and Court fees has been affixed.

With these averments, it is prayed that order dated 11.8.2025 passed by learned ACJM Palwal be set aside and said vehicle of the revisionist be released on superdari to the revisionist.

4. The learned counsel for the revisionist has also placed reliance upon the following decisions:-

“Mainpal vs. State of Haryana and others CWP No. 19153 of 2016 (O&M) decided on 30.5.2017 (P&H)”

“Rinku vs State of Haryana CRM-M-44134 of 2020 decided on 05.1.1.2021 (P&H)”

“Sachin Baliyan vs. State of Haryana CRM-M-45080-2021 decided on January 05, 2023 (P&H)”

5. I have heard the learned counsel for the revisionist and the learned Public Prosecutor for the respondent/State.

6. Section 17(1) of the Haryana Gauvansh Sanrakshan & Gausamvardhan Act, 2015, reads as follows:

“17. Where any person is arrested under this Act or any property is seized under any of the provisions of this Act, nothing contained in any other law for the time being in force shall apply so far as such person or property is concerned, and the Sub-Divisional Magistrate...shall have exclusive jurisdiction to deal with all matters in respect of such person or property.

(2) No Court shall have jurisdiction to entertain or adjudicate any matter relating to such person or property after an order of confiscation has been passed under this Act.”

7. By Section 17(1), the legislature intended that, upon attachment or seizure under the HGS&GA, the SDM acquires exclusive competence to take decisions including confiscation, release, or custody regarding the property. Sub-section (2) specifically bars all Courts from entertaining any application or proceeding in respect of the property once a confiscation order is passed under the Act.

8. In the instant case, the SDM, Hodal issued a confiscation order on 12.09.2025, declaring vehicle bearing no. DL-1LAN-8881 permanently forfeited. The recitals of the SDM's order indicate that after completion of investigation and corroborative findings that the vehicle was used for transporting cattle in contravention of the HGS &GS, the SDM held a quasi-judicial inquiry. As a consequence of the SDM's confiscation order,

Section 17(2) becomes operative, precluding any “Court” from entertaining further applications, such as for supardari in respect of that specific vehicle. The confiscation order dated 12.9.2025 passed by the SDM Hodal is not under challenge before this Court.

9. The impugned order dated 12/08/2025 cannot be, therefore, revisited. No interference is warranted. For the aforesaid reasons, *the present revision petition is hereby dismissed.*

Copy of this order and the requisitioned record of CRM – 1377-2025 be sent back to the concerned Court. The file of the revision petition be consigned to record room after due compliance.

**Announced in open Court
1.10.2025**

Santosh Kumari, Stenographer Gr.I

**(Abhishek Phutela)
Additional Sessions Judge,
Palwal, (UID No.HR0220)**

Note:-Certified that all the pages of this order have been checked and signed by me.

**(Abhishek Phutela)
Additional Sessions Judge,
Palwal, (UID No.HR0220)
1.10.2025**

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