



**IN THE COURT OF THE ADDL. CIVIL JUDGE &
JMFC., MUDIGERE**

PRESENT: Sri. Vishwanath A. B.B.A.,LL.B.,
Addl. Civil Judge & JMFC.,
Mudigere.

DATED THIS THE 25th DAY OF NOVEMBER 2023

CRIMINAL CASE NO:1006/2022

BETWEEN :

The State, represented by
Kalasa Police Station,
Kalasa Taluk.

...Complainant

(By Learned APP)

AND :

1. Arun @ Aruna
S/o Manjappa,
Aged about 20 years,
R/o Kondajji Konanakoppa Akki
Haluru Hobli, Hanagal Taluk,
Haveri District.
2. Pramod
S/o Chandrappa,
Aged about 22 years,
R/o Shakanahalli Village,
Jadehalli Hobli, Soraba
Taluk, Shivamogga District.
3. Basavaraj @ Basavaraju
S/o Mylarappa,
Aged about 24 years,



R/o Chikkamshi Hosur,
Hanagal Taluk, Haveri

... Accused

(By Sri.K.C.Chandrashekar, Adv.,)

1	Date of occurrence of offence	29-30.04.2022
2	Date of report of offence	30.04.2022
3	Name of complainant	Harshavardhan H.K., PSI, Kalasa Police Station
4	Date of commencement of evidence	29.04.2023
5	Date of closure of evidence	06.11.2023
6	Offences complained of	Under Section 12(2) of The Karnataka Prevention of Cow Slaughter and Cattle Prevention Act & Sec. 11 of Prevention of Cruelty to Animals Act
7	Opinion of the Judge	Accused found not guilty

(Vishwanath A.)
Addl. Civil Judge & JMFC.,
Mudigere.



JUDGMENT

The PSI of Kudremukha Police station has filed charge-sheet against the Accused No.1 to 3 for the offences punishable under Section 12(2) of The Karnataka Prevention of Cow Slaughter and Cattle Prevention Act & Sec.11 of Prevention of Cruelty to Animals Act.

2. The case of prosecution is that, at the midnight around 12.00 AM on 29-30.04.2022 at Geethota, Kalasa, the accused were found transporting two Bulls in a Pickup vehicle bearing Reg.No.KA-15-A-4624 without having any license in that regard and in a manner of causing cruelty to the said Bulls, for the purpose of slaughtering. Thereby, the accused No.1 to 3 have committed the offences punishable under Section under Section 12(2) of The Karnataka Prevention of Cow Slaughter and Cattle Prevention Act & Sec. 11 of Prevention of Cruelty to Animals Act.

3. The copies of charge sheet materials are supplied to the accused persons in compliance of Section 207 of Cr.P.C. Accused No.1 to 3 were released on bail. After hearing the prosecution and so also the accused persons, charges were framed for the offences under Section 12(2)



of The Karnataka Prevention of Cow Slaughter and Cattle Prevention Act & Sec. 11 of Prevention of Cruelty to Animals Act, and the same was read over to the accused persons, both the accused persons pleaded not guilty and claimed to be tried.

4. In order to bring home the guilt of Accused persons, the prosecution has examined witnesses as PW1 to PW10, got marked documents at Ex.P1 to Ex.P17.

5. After completion of prosecution evidence, the incriminating evidence appearing against accused No.1 to 3 was read over to them and their statement under Section 313 of Cr.P.C., is recorded. The accused have denied the incriminating evidence and did not choose to lead defense evidence.

6. Heard the arguments addressed by both side and also perused the entire materials on record.

7. The points that arise for consideration are as follows:

- 1.** *Whether the prosecution proved beyond reasonable doubt at the midnight around 12.00 AM on 29-30.04.2022 at Geethota,*



Kalasa, the accused were transporting two Bulls in a Pickup vehicle bearing Reg.No.KA-15-A-4624 without having any license and for the purpose of slaughtering, thereby committed the offences punishable under 12(2) of The Karnataka Prevention of Cow Slaughter and Cattle Prevention Act ?

2. *Whether the prosecution proved beyond reasonable doubt that on the said date, time and place, the accused persons were transporting two Bulls in a Pickup vehicle bearing Reg.No.KA-15-A-4624 in a manner of causing cruelty to the said Bulls, for the purpose of slaughtering and thereby committed the offence punishable under Sec.11 of Prevention of Cruelty to Animals Act*

3. *What order?*

8. The findings of this Court on the above points are:



*Point No.1: **In the Negative***

*Point No.2: **In the Negative***

*Point No.3: As per the final order
for the following.*

REASONS

9. Point No.1 and 2: These points require common appreciation of materials on record. Thus, to avoid repetition of facts and appreciation, all these points are taken for common discussion.

CW1 is the officer who states to have received the information of alleged offence, visited the spot, conducted search and seizure. This witness is examined as PW8 who states to have got information of the alleged offence from CW11 through phone call on 29.04.2022 at 11.00 PM while he was at his residence. Thereafter, he went near the Geethota wherein he saw a Pickup vehicle, Bike, Auto and some persons were gathered there. When he enquired one of the person, he stated that two Bulls were being transported in a Pickup vehicle for the purpose of slaughtering. When PW8 had enquired the accused who were in the Pickup vehicle, accused No.1 had told him that they are transporting the Bulls for using the same for



agriculture purpose and thereafter to sell the same and they had no license for such transportation.

10. PW8 has further deposes to have visited the police station and got prepared complaint as per Ex.P11 from 3.45 AM to 4.15 AM and gave it to the SHO i.e., CW2 who registered the FIR as per Ex.P12. PW8 further deposes to have drawn the mahazar as per Ex.P2 at the alleged spot of incident in the presence of CW4 and 5 from 6.30 AM to 7.00 PM, took photographs as per Ex.P3 and seized the Pickup vehicle and also two Bulls which were in the said vehicle. Further the accused had shown the place i.e., Hebbale where they had picked one Bull and at the said place mahazar was drawn as per Ex.P8 and prepared the sketch as per Ex.P9 in the presence of CW6 and 7 from 7.30 AM to 8.00 AM, took the photograph at Ex.P10. PW8 further deposes to have drawn mahazar of the spot shown by the accused No.2 where they had picked up another Bull at Honnegundi, Basrikatte Villge, therein drawn the mahazar at Ex.P5 in the presence of CW8 and 9 from 9.00 AM to 9.30 AM, drawn the sketch at Ex.P6 and took photograph at Ex.P7.



11. PW8 further deposes to have recorded the seized articles under the property form, received CD and certificate as per Ex.P15 and 16 with respect to the photographs, requested the CW14 to examine the Bulls and thereafter on 06.05.2022 he handed over the Bulls to Kamadenu Goseva Trust along with requisition at Ex.P13 and therein took photograph at Ex.P14.

12. PW9 is the officer who states that on 29.04.2022 he was the SHO of Kalasa Police Station. He deposes that on the said date he got phone call from the PW8 who told him about the alleged incident and thereafter he went to Geethota at 12.00 AM, wherein he saw CW1, CW10, CW11, 7 to 8 persons, a Bike, Auto and Pickup vehicle in which there were two Bulls. PW9 states that when PW8 had enquired the CW3 about the same, he has stated that the Bulls were being transported for the purpose of slaughtering. At that time the accused No.1 had told that one Bull was took from the house of CW12 and another from the house of CW13 for the purpose of agriculture usage for some days and later to sell same the. Further the accused had told that they had no license for the purpose of transporting the Bulls. PW9 further deposes that since it was midnight and they were no panchas available, they



had took accused persons, vehicle and also Bull to their custody and brought to the police station. Thereafter, PW8 got prepared complaint and lodged the same at 4.30 AM upon which PW9 had registered the FIR.

13. The witness cited as CW3 who is claimed to be the eyewitness is examined as PW1. As per the testimony of PW9, it is this witness who told that the Bulls were being transported for the purpose of slaughtering. Whereas PW1 has totally turned hostile to the prosecution case by stating that when he had been to Geethota for hire in his Auto, the police had took his signature but he do not know the contents of said documents and also anything about the case. PW1 further deposes that he has not witnessed any incident and also not gave any statement to the police.

14. PW2 and 3 are stated to be the witnesses to the spot mahazar at Ex.P2 which is stated to have drawn at the spot where the accused, pickup vehicle and Bulls were found. Both PW2 and 3 have identified their signatures in Ex.P2 and identified themselves in the photographs at Ex.P3, but PW2 has stated that the police had took his signature on Ex.P2 when he was working near Horanadu at 11.00 AM. He do not know as to where and for what



purpose the photograph at Ex.P3 was took and he do not know anything about the vehicle and the Bulls which could be seen in the said photographs.

15. PW3 has stated that the police had took his signature on Ex.P2 when he was at a Garage near Horanadu and he do not know the contents of same but at that time CW5 and 5 to 6 policemen were there. PW3 further deposes that he do not know as to where and for what purpose the photograph at Ex.P3 was took and he do not know anything about the vehicle and the Bulls which could be seen the said photographs. Learned APP having treated these witnesses at PW1 to PW3 as hostile to the prosecution case, she has cross-examined them and made use of Ex.P1 against PW1, but all these witnesses have denied the suggestions of prosecution and they deposed nothing which supports the case of prosecution.

16. PW4 and 5 are stated to be the witnesses to the mahazar at Ex.P5 which is stated to be drawn at Honnegundi the spot shown by the accused where they had took one Bull. Both PW4 and 5 have identified their signatures on the notice at Ex.P4, mahazar at Ex.P5, sketch at Ex.P6 and identified themselves in a photograph



at Ex.P7 but PW4 has stated that the police had took his signature on Ex.P4 to 6 when he was on the way to shop and he do not know the contents of said document. PW4 stated that he do not know anything about the case and the accused No.2 was not at the spot where he had signed the documents.

17. PW5 has stated that the photograph at Ex.P7 was took for the reason that the CW12 had gave his cattle to the accused and for that purpose he had signed Ex.P4 to 6. At that time CW9 and accused No.1 was there at the spot and apart from this he do not know anything about the case. Even these witnesses at PW4 and 5 are treated hostile to the prosecution and there were cross-examined by the learned APP. Even in the cross-examination of learned APP, these witnesses have denied the suggestions of prosecution. In the cross-examination by the defense PW5 has stated that the police had not brought laptop and printer to the spot he do not know the contents of Ex.P4 to 6.

18. PW6 and 7 are stated to be the witnesses to the mahazar at Ex.P8 which is stated to have been drawn at Hebbale near Ambathirtha the spot shown by the accused



No.2 where they had took another Bull. Both PW6 and 7 have identified their signature in the mahazar at Ex.P8, sketch at Ex.P9 and identified themselves in a photograph at Ex.P10 but PW6 has stated that the police had took his signature near his house at Ambathirtha regarding a fight with respect taking the cattle. He do know the contents of Ex.P8 and 9 but the police had told him that the cattle were taken from the house of Lancy.

19. PW7 has stated that the police had took his signature on Ex.P8 and 9 near his house regarding the D'souza selling his cattle and photograph at Ex.P10 was also took. The police had took his signatures on blank documents and in one among such document a sketch was drawn. PW7 further states that the police, D'souza, CW6 and two unknown persons were there at the spot. Even these witnesses were cross-examined by learned APP, whereas both PW6 and 7 have denied the suggestions of prosecution. In the cross-examination by the defense PW6 has stated that the police had not took any rope at the time of taking photograph and had made signatures as per the request of police. PW7 has also stated that he had signed as per the request of police and he do not remember whether he had told the boundaries at the spot.



Though PW7 states that Ex.P8 and 9 were drawn in front of the Gate of his house but there is no mention about the gate in Ex.P8.

20. PW10 is the I.O., who states to have investigated the above case. This witness deposes that on 20.08.2022, she recorded the statement of CW3, 10 to 12 and on 27.08.2022 filed the charge-sheet against the accused persons. Though PW10 is subjected to cross-examination by the defense, nothing contrary to her oral evidence has been elucidated so as to doubt the testimony of PW10. This witness though stated to have received the case file from CW1, she does not whisper anything about receiving Medical report from CW14 with respect to the seized Bulls.

21. The prosecution has alleged that the accused persons were found transporting two bulls without having any license in that regard, in a manner causing cruelty to the said bulls and for the purpose of slaughtering. As per the testimony of Police officer at PW8, he states that he got the information of alleged offence and went to the spot wherein found the accused persons, a pick up vehicle in which two bulls were found. He further deposed that on enquiry with the accused No.1, he has told that they were



transporting bulls without having any license for the purpose of their agriculture usage for some days and thereafter to sell the same. Another police officer who states to have visited the spot i.e., PW9 deposes that when PW8 had asked PW1, he had told him that the accused persons were transporting the bulls for the purpose of slaughtering. Whereas, PW1 has totally turned hostile to the prosecution case stating that he do not know anything about the case.

22. The witness i.e., PW2 and 3 who are stated to be witnesses to the mahazar at Ex.P2 stated to be drawn at the spot of alleged incident, have also not supported the case of prosecution whereas they have stated that they do not know anything about the vehicle and the Bulls which could be seen in the said photographs. As per the testimony of PW8 officer, the spot mahazar was drawn on the next day morning of the alleged incident in the presence of PW2 and 3, whereas PW9 officer has deposed that since at the midnight there were no panacha, the accused persons, vehicle and also the bulls were taken to their custody and brought to the police station. It is not the case that PW9 was not present at the spot on the alleged date of incident but it is he who states to have



accompanied PW8 for alleged raid. Therefore there are contrary versions regarding alleged raid and seizure by the officers who states to have conducted raid and this fact has got no support from the independent witnesses.

23. The police officer examined as PW8 has deposed that when he had enquired the accused No.1, he had told that they were transporting the bulls for agriculture purpose for some days and thereafter to tell the same. Even, PW9 also deposed that the accused No.1 had told that one Bull was took from the house of CW12 and another from the house of CW13 for the purpose of agriculture usage for some days and later to sell the same. But none of the officers have stated that the accused persons had told them that they were transporting the bulls for the purpose of slaughtering. But, as per the testimony of PW9, it is the PW1 who told that the Bulls were being transported for the purpose of slaughtering. Whereas PW1 has deposed that he has not witnessed any incident and also not gave any statement to the police.

24. The prosecution has examined the witnesses to the spot mahazars at Ex.P5 and P8 as PW4 to PW7. Whereas, PW4 has states that he do not know anything



about the case. PW5 has stated that the photograph at Ex.P7 was taken for the reason that the CW12 had given his cattle to the accused and for that purpose he had signed Ex.P4 to P6. PW6 has stated that the police had taken his signature near his house at Ambathirtha regarding a fight with respect taking the cattle and the police had told him that the cattle were taken from the house of Lancy. PW7 has stated that the police had taken his signature near his house regarding one D'souza selling his cattle. But this material does nowhere support the case of prosecution that the accused were transporting the bulls for the purpose of slaughtering and also regarding causing cruelty to the said bulls.

25. The prosecution has further alleged that the accused were transporting the bulls in a manner of causing cruelty to the same. PW8 and PW9 police officers have deposed that they found two bulls in a pickup vehicle and on enquiry accused No.1 had told that they were transporting the bull for the purpose of agriculture use and thereafter to sell those bulls. The prosecution has leveled charges under Sec. 11 of Prevention of Cruelty to Animals Act. None of the prosecution witnesses have deposed about accused persons causing cruelty to the



bulls or that they have treated the bulls in a manner of causing cruelty. Moreover, PW8 has stated to have made requisition seeking examination of bulls alleged to have seized in the above case but no materials are placed on record with respect to report of such examination so as to ascertain whether the bulls were injured or not.

26. Therefore, on careful consideration of the oral and documentary evidence placed by the prosecution and also keeping in view the above discussions, this Court is of consideration that the prosecution has not proved the charges leveled against the accused persons that they were transporting two Bulls in a Pickup vehicle in a manner of causing cruelty to the said Bulls and for the purpose of slaughtering. Thus, by drawing consultation that the prosecution has not proved the guilt of accused persons beyond all reasonable doubt, this Court record its answers on point No.1 and 2 in '**Negative**'.

27. Point No.3: For the reasons recorded on the above point No.1 and 2, this Court deems it fit to acquit the accused No.1 to 3. Hence, the following:

**ORDER**

Accused No.1 to 3 are acquitted of the offences punishable under Section 12(2) of The Karnataka Prevention of Cow Slaughter and Cattle Prevention Act & Sec.11 of the Prevention of Cruelty to Animals Act.

The bail bonds stand cancelled.

The bonds executed in compliance of Section 437A of Cr.P.C., shall be in force for a period of 6 months from the date of judgment.

(Directly dictated to the Stenographer, typed by her on computer, corrected and then pronounced by me in the open court on this the 25th Day of November 2023 at Mudigere.)

(Vishwanath A.)

Addl. Civil Judge & JMFC.,
Mudigere.

ANNEXURE**LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:-**

PW.1 : Abhishek B.S.
PW.2 : Raghavendra
PW.3 : Krishna



PW.4 : Anand
PW.5 : H.Srujan
PW.6 : K.L.Jagadeesha
PW.7 : Mallikarjun Natikatte
PW.8 : Harshavardhan H.K.
PW.9 : M.M.Ashok
PW.10 : Shivarudramma

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION:-

Ex.P1 : Statement of PW1
Ex.P2 : Spot Mahazar
Ex.P2(a) : Signature of PW2
Ex.P2(b) : Signature of PW3
Ex.P2(c) : Signature of PW8
Ex.P3 : Photograph
Ex.P4 : Notice
Ex.P4(a) : Signature of PW4
Ex.P4(b) : Signature of PW5
Ex.P4(c) : Signature of PW8
Ex.P5 : Mahazar
Ex.P5(a) : Signature of PW4
Ex.P5(b) : Signature of PW5
Ex.P5(c) : Signature of PW8
Ex.P6 : Rough Sketch
Ex.P6(a) : Signature of PW4



- Ex.P6(b) : Signature of PW5
- Ex.P6(c) : Signature of PW8
- Ex.P7 : Photograph
- Ex.P8 : Mahazar
- Ex.P8(a) : Signature of PW6
- Ex.P8(b) : Signature of PW7
- Ex.P8(c) : Signature of PW8
- Ex.P9 : Sketch
- Ex.P9(a) : Signature of PW6
- Ex.P9(b) : Signature of PW7
- Ex.P9(c) : Signature of PW8
- Ex.P10 : Photograph
- Ex.P11 : Report dtd: 30.04.2022
- Ex.P11(a) : Signature of PW8
- Ex.P11(b) : Signature of PW9
- Ex.P12 : F.I.R.
- Ex.P12(a) : Signature of PW8
- Ex.P12(b) : Signature of PW9
- Ex.P13 : Letter dtd: 06.05.2022
- Ex.P14 : Photograph
- Ex.P15 : Compact Disc
- Ex.P16 : Certificate under Section 65(B)
- Ex.P17 : Letter dtd: 30.04.2022



LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF THE PROSECUTION:-

-NIL-

LIST OF WITNESSES EXAMINED ON BEHALF OF THE ACCUSED :-

-NIL-

LIST OF DOCUMENTS MARKED ON BEHALF OF THE ACCUSED :-

-NIL-

*BSM

(Vishwanath A.)
Addl. Civil Judge & JMFC.,
Mudigere.