



2026:CGHC:3031

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 79 of 2026**

1 - Litesh Tandon S/o Hemlal Aged About 25 Years R/o Village Mudagaon, P.S. Tendukona, District : Mahasamund, Chhattisgarh

--- Petitioner**versus**

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Tendukona, District : Mahasamund, Chhattisgarh

--- Respondent**CRMP No. 86 of 2026**

1 - Yashwant Banjare S/o Kedar Banjare Aged About 22 Years R/o Village Firgi, P.S. Tendukona, District : Mahasamund, Chhattisgarh

---Petitioner**Versus**

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Tendukona, District : Mahasamund, Chhattisgarh

--- Respondent**CRMP No. 137 of 2026**

1 - Set Kumar Banjare S/o Kedar Banjare Aged About 29 Years R/o Village Firgi, P.S. Tendukona, District : Mahasamund, Chhattisgarh

---Petitioner**Versus**

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Tendukona, District : Mahasamund, Chhattisgarh

--- Respondent

CRMP No. 84 of 2026

1 - Dumeswar Ajgale S/o Mansharam, Aged About 33 Years R/o
Mudagaon, P.S. Tendukona, District Mahasamund C.G.

---**Petitioner**

Versus

1 - State Of Chhattisgarh Thought The Station House Officer, Police
Station Tendukona, District Mahasamund C.G.

--- **Respondent**

For Petitioner	: Mr. Sudhir Kumar Sahu, Advocate in all the petitions.
For Respondent/State	: Mr. Ashish Shukla, Addl. A.G. and Mr. Akash Agrawal, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board**

19/01/2026

1. CRMP No. 79/2026, CRMP No. 86/2026, CRMP No. 137/2026
and CRMP 84/2026 have been preferred under Section 528 of
BNS, 2023, being aggrieved by the order dated 27.11.2025
passed by the learned Principal Sessions Judge, Mahasamund,
District - Mahasamund (C.G.), dismissing the Criminal Revision
Nos. H-69/2025, H-71/2025, H-68/2025 & H-70/2025,
respectively and affirming order dated 29.09.2025 passed by
Judicial Magistrate First Class, Pithora, District -
Mahasamund, C.G. in Misc. Criminal Case Nos. 123/2025,
125/2025, 122/2025 & 124/2025, respectively, whereby the
Supurdnama application filed by the petitioner has been
dismissed.
2. As per the charge sheet, the brief facts of the case are that on
12.09.2025, the head constable of Tendukona Police station
received secret information from an informer that 3-4 persons

were cruelly beating and driving 15-20 cattle (buffaloes) on foot towards a slaughter house with the intention of slaughtering them. On the basis of secret information, 15 buffaloes were seized from the co-accused persons, namely Devendra, Tikeshwar and Avinash, owned by the present petitioners. As such, FIR No. 98/2025 in police station Denukona, District – Mahasamund, for commission of offence under Sections 4, 6 and 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 has been registered against the accused persons.

3. Learned counsel for the petitioner submits that the petitioners are the owners of the seized buffaloes, and they have valid and effective documents required for the said cattle; therefore, they are entitled for the Supurdnama. He next submits that the foundational requirement of Section 6(1) of the Act that the cattle were being transported for the purpose of slaughter or were likely to be slaughtered, is completely absent in the case. Mere movement of animals by foot, without more, does not attract Section 6 of the Act. Consequently, the statutory embargo under Section 6(3) and the consequential custody mandate under Section 7 do not operate. He further submits that the petitioners have placed unimpeachable documentary evidence of lawful ownership i.e. purchase receipts issued by Maveshi Bazar, Gidhouri, Gram Panchayat Gidhouri, District – Balodabazar-Bhatapara. These documents establish bona fide purchase and ownership and remain undisputed by the prosecution. According to the doctor's report, all the seized cattle (buffaloes) have been declared healthy. The petitioners

are a small agriculturist and dairy owner, and the seized buffaloes constitute his sole source of income. The buffaloes have been in continued custody of the authorities since 12.09.2025, and such prolonged detention of living animals, despite the absence of slaughter intention and despite proof of ownership has aggravated cruelty, deterioration of health and has caused recurring and irreparable financial loss to the petitioners. He placed reliance on the decision of Hon'ble Supreme Court in the matter of **Sunderbhai Ambalal Desai v. State of Gujarat**, reported in **(2002)10 SCC 283** and the decision of this Court in the matter of **Mohammed mateen Ahamed vs. State of Chhattisgarh**, passed in CRMP No. 1247/2025 on 11.07.2025.

4. On the other hand, learned State counsel vehemently opposes the submission made by learned counsel for the petitioner(s) and supports the impugned order, submitting that there are no valid documents with regard to the purchase or sale of the cattle.
5. I have heard learned counsel for the respective parties and perused the order impugned with utmost circumspection.
6. The Act of 2004 has been enacted in the interest of the general public and to maintain communal harmony and peace, for prohibition of slaughter of agricultural cattle. Section 6 of the Act of 2004 provides prohibition on transport of agricultural cattle for slaughter. At this stage, it would be appropriate to

notice the provisions contained in Section 6 of the Act of 2004 which reads as under: -

“6. Prohibition on transport of Agricultural cattle for slaughter:—

(1) No person shall sell, or transport or offer to transport or cause to be transported any Agricultural cattle from any place within the state to any place within the state or outside the State, for the purpose of its slaughter in contravention of the provision of this Act or with the knowledge that it will be or is likely to be, so slaughtered.

(2) Whenever any person transports or causes to be transported in contravention of provisions of sub-section (1) any agricultural cattle as specified in the Schedule, such vehicle or any conveyance used in transporting such animal along with such agricultural cattle shall be liable to be seized by such authority or officer as the State Government may appoint in this behalf.

(3) The vehicle or conveyance so seized under sub-section (2) shall not be released by the order of the court on bond or surety before the expiry of six months from the date of such seizure or till the final judgment of the court, whichever is earlier and such vehicle shall also be liable for confiscation at the end of the trial.”

7. A focused perusal of Section 6(1) of the Act of 2004, would show that the provision bars transport, possession and sale of cattle for the purpose of slaughter or with the knowledge that the same may be slaughtered. Mere transport of cattle from one place to another for the purpose other than slaughter is not barred under the Act and in that case the provision under Section 6(3) of the Act of 2004 would not be applicable.

8. It is well settled law that penal statutes are to be strictly construed. When a specific word has been inserted by the legislature, the provision cannot be given a different meaning. In the matter of **W. H. King v. Republic of India and another**¹, their Lordships of the Supreme Court pertinently observed as under:-

“10. As the statute creates an offence and imposes a penalty of fine and imprisonment, the words of the section must be strictly construed in favour of the subject. We are not concerned so much with what might possibly have been intended as with what has been actually said in and by the language employed.”

9. Similarly, in the matter of State of **West Bengal and others v. Swapan Kumar Guha and others**², the Supreme Court held as under: -

“15. ... when it is said that penal statutes must be construed strictly, what is meant is that the court must see that the thing charged is an offence within the plain meaning of the words used and it must not strain the words : “To put it in other words, the rule of strict construction requires that the language of a statute should be so construed that no case shall be held to fall within it which does not come within the reasonable interpretation of the statute”, and that in case of doubt, the construction favourable to the subject should be preferred. But I do not think that this rule of strict interpretation of penal statutes in any way affects the fundamental principle of interpretation, that the primary test which can safely be applied is the language used in the Act and, therefore, when the words are clear and plain, the court must accept the expressed intention of the legislature. ...”

10. The pari materia provision contained in clause (4) of Section 6(A) of the Bombay Animal Preservation Act, 1954 came up for consideration before the Gujarat High Court in **Ravidasbhai**

1 AIR 1952 SC 156

2 (1982) 1 SCC 561

Segjibhai Vasava v. State of Gujarat, 2024 SCC OnLine Guj

14545 in which the Gujarat High Court considering the issue identical as involved in the present case held that clause (4) of Section 6(A) would apply only in a case where the animals are being transported for the purpose of slaughter. It has been observed in paragraphs 10, 11, 12 and 13 of the report as under: -

“10. The plain reading of section 6(A) clause (1) would indicate that the same is applicable in a case where it is found that the animals were being transported from any place within the State to any other place within the State for the purpose of slaughter in contravention of the provisions of the Act or with the knowledge that they were likely to be slaughtered. There is a proviso to section 6(A) clause (1) which provides 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 permission under sub-section (2) for transporting the animal for bona fide agricultural or animal husbandry purpose.

11. Clause (4) to section 6(A) puts a restriction so far as the release of the vehicle is concerned for a period of six months.

12. It is, therefore, manifest that section 6(A) clause (4) would apply only in a case where the animals are being transported for the purpose of slaughter.

13. It is not in dispute so far as the present case is concerned that no permit was obtained by the petitioner herein as the registered owner of the vehicle for the purpose of transport. However, at the same time, the prosecution has to, prima facie, show something that the transport of the cattle was for the purpose of slaughter. For such purpose, I inquired with Mr. Dabhi, the learned APP, regarding the materials collected by the police in the course of investigation. Mr. Dabhi has fairly submitted that there is nothing to show that the cattle were being transported for the purpose of slaughter. It appears that there is no investigation in that direction. If it is the case of the prosecution that the cattle were being transported for the purpose of slaughter, then at least, it is expected from the investigating officer to investigate at which place they were being taken and were to be handed over to whom for the purpose of slaughter. There is nothing in that regard. In the absence of such material, in my view, the prosecution

cannot straight way take recourse to the deeming fiction as provided under section 6(A)(1). In such circumstances, I am of the view that there should not be any legal impediment in releasing the vehicle before the expiry of the statutory time period i.e six months.”

11. Reverting to the facts of the present case in the light of the aforesaid legal position and the principle of law flowing from the judgment of the Gujarat High Court in **Ravidasbhai Segjibhai Vasava** (supra), it is established legal position that if the agricultural cattle is being transported for the purpose of slaughter in contravention of the Act of 2004, bar under Section 6(3) would apply and vehicle cannot be released on interim custody for a period of six months or till the judgment is pronounced whichever is earlier, but mere transportation of agricultural cattle from one place to another for the purpose other than slaughter is not an offence under the said Act and in case Section 6(1) of the Act of 2004 is not attracted, bar contained in Section 6(3) of the Act would not attract and interim custody can be granted without waiting for the period of six months as provided.
12. A careful perusal of the order impugned and other documents annexed with the petition would show that the prosecution or the investigating agency at no place has alleged that the petitioners used to transport the cattle for the purpose of slaughter in contravention of the provisions of the Act, specifically Section 6(1) of the Act of 2004. Case of the prosecution in sum and substance, is that the petitioners were carrying the cattle (buffaloes) from Maveshi Bazar Gidhoura i.e.

from one place to another, and it was not in contravention of Section 6(1) of the Act of 2004. In the entire prosecution case, no specific place has been mentioned where the cattle were being transported for the purpose of slaughter.

13. In the Animal Health Certificate, it has been certified that all 15 cattle (3 female buffaloes and 12 male buffaloes) are in healthy condition. Therefore, it cannot be said that the agricultural cattle were in bad/injured condition to attract the definition of “slaughter” so as to apply the bar contained in Section 6(3) of the Act of 2004.

14. In the instant case, it is pertinent to mention the most important fact of the case that the buffaloes had been seized on 12.09.2025 from co-accused Devendra, Tikeshwar and Avinash and the present petitioners are the owners of the buffaloes; therefore, they have been arrayed as co-accused persons. Petitioners have produced the purchase receipt dated 10.09.2025 of Maveshi Bazar, Gidhouri, Gram Panchayat Gidhouri, District – Balodabazar-Bhatapara, with regard to the ownership of the seized buffaloes (Litesh Tandon – 2 buffaloes, Yashwant Banjare – 5 buffaloes, Set Kumar Banjare – 6 buffaloes, Dumeshwer Ajgale – 2 buffaloes). There is no objection to their ownership and they have the right to raise any other grounds and also reserve the right to submit all relevant documents. It is also necessary to note that no useful purpose would be served if the said buffaloes are allowed to get custody in the cowshed; rather, the said buffaloes can be

released to the petitioners, who claim to be the owners of the cattle, so that they can use them for agriculture.

15. In that view of the matter, the impugned orders passed by the trial Court and affirmed by learned revisional Court are hereby set aside. It is held that bar under Section 6(3) of the Act of 2004 is not at all attracted. Hence, in the light of the decision of the Supreme Court in the matters of **Sunderbhai Ambalal Desai v. State of Gujarat, (2002) 10 SCC 283** and **Multani Hanifbhai Kalubhai** (supra) the petitioners would be entitled for the custody of the buffaloes till the conclusion of trial. Accordingly, the trial Court is directed to give the interim custody of the said buffaloes to the petitioners by imposing reasonable conditions. The buffaloes shall be released within seven days from the date of complying with the conditions imposed by the trial Court.
16. Accordingly, the petitions are **allowed** to the extent indicated herein-above.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu