

आदेश पत्रक

(देखें अभिलेख हस्तक, 1941 का नियम 129)

आदेश पत्रक ता0 से तक

जिला केस सं0 सन् 20.....

के का प्रकार

आदेश की क्रम सं0 और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कारवाई के बारे में टिप्पणी तिथि सहित 3
10.12.24	IN THE COURT OF DEPUTY COMMISSIONER - CUM DISTRICT MAGISTRATE, GIRIDIH Confiscation Case No. - 04/2020, State vs Unknown Owner, Vehicle (Truck) No. - UP 15 DT-4458 <u>ORDER</u> This case was filed as Confiscation Case No. - 04/2020 : State vs Unknown Owner, Vehicle (Truck) No. - UP 15 DT-4458 on the recommendation of Superinten- -dent of Police, Giridih through his letter no. 780, dt. 13.02.2020 on the basis of Bagodar P.S. No. - 188/19, dt. - 31.10.19 in which case was registered under relevant sections of Indian Penal Code, Transport of Animals Rules, Prevention of Cruelty to Animals Act and Jharkhand Bovine Animal Prohibition of Slaughter Act. The case pertains to seizure of the truck along with 28 cows and 2 bulls which were loaded in the truck in crowded manner with cruelty and were being transported for the purpose of slaughtering. As per the letter the ^{seized} animals were kept in 'Madhuban Gaushala : cow shelter'. SP Giridih has recommended for confisca- -tion of the aforesaid vehicle. As per Cr. Revision No. 60 of 2020 of Hon'ble High Court of Jharkhand : Anil Ansari vs State - "It is pertinent to point that neither under Prevention	

आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कारवाई के बारे में टिप्पणी तिथि सहित 3
	of Cruelty to Animals Act, 1960 nor under Jharkhand Bovine Animal (Prohibition of Slaughtering) Act, 2005, there is any provision for confiscation of the vehicle used in transportation of the cattle or beef in contravention of the provisions of the Act as provided under some Acts, eg. Section 6 of Essential Commodities Act, 1955, Section 52 of the Forest Act, Section 60 of the Narcotics Drugs and Psychotropic Substances Act, 1985, there is provision of confiscation of the articles or vehicle used for transportation in contravention of the provisions of this Act." Also as per Cr. M.P. No. 570 of 2021 of Hon'ble High Court of Jharkhand: Raj Kumar Yadav vs State, wherein the petitioner and the police case registered were the same which were being dealt with in Confiscation Case No.- 10/2020, State vs Raj Kumar Yadav in the Court of Deputy Commissioner-cum-District Magistrate, Giridih and in which the proceedings of the case were closed on account of the direction of the Hon'ble High Court of Jharkhand's "On perusal of provisions of Jharkhand Bovine Animal Prohibition of Slaughtering Act, 2005, it is apparent that there is no provision of confiscation of vehicle or goods as provided under some Acts i.e. Essential Commodities Act and Forest Act. The aforesaid Acts prescribe forfeiture of vehicle particularly under Section 12(3) of Jharkhand Bovine Animal Prohibition of Slaughtering Act, 2005 which reads as under "Whenever a vehicle is found to have been used in transportation of Cattle or Beef contravening any provision of this Act, the	

आदेश पत्रक

(देखें अभिलेख हस्तक, 1941 का नियम 129)

आदेश पत्रक ता0 से तक

जिला केस सं0 सन् 20.....

के का प्रकार

आदेश की क्रम सं0 और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कारवाई के बारे में टिप्पणी तिथि सहित 3
	Vehicle shall be forfeited to the State Government." "On plain reading of the provision it is clear that the words "Whenever a vehicle is found to have been used...." literally the use of word, found in the section connotes that a finding has to be arrived at that the vehicle was used in transportation of cattle or beef in contravention of the provision of the Act. Such finding can only be arrived only after the evidence is brought on record during an enquiry or trial meaning thereby that the charges/allegations have to be proved that the vehicle was used in contravention of the provision of the Act whereafter the vehicle shall be forfeited to the State Government. It is not disputed that in the instant case no proceeding has been initiated for forfeiture neither does the Act provide for initiation of confiscation proceeding and the vehicle is lying at the police station without any use in an unused manner." Thus on the basis of aforementioned, no action is to be done in this case. The proceedings of this case are closed. Let a copy of this order be provided to all concerned. Due to busy schedule in law and order and	

आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कारवाई के बारे में टिप्पणी तिथि सहित 3
	other administrative work this order is passed today. Dictated and Corrected by me. PL-10/12/24 Deputy Commissioner - cum District Magistrate, Giridih PL-10/12/24 Deputy Commissioner -cum-District Magistrate, Giridih Memo No.- 984, Date - 10/12/2024 Copy to: Superintendent of Police, Giridih for information and necessary action. PL-10/12/24 Deputy Commissioner - cum District Magistrate, Giridih PL-10/12/24 Deputy Commissioner -cum-District Magistrate, Giridih	