

आदेश की क्रम सं. और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर Confiscation Case No.- 10/2020, State v/s Raj Kumar Yadav 2	आदेश पर की गई टिप्पणी के बारे में दिवस 3
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08.12.24

ORDER

- This case was filed as Confiscation Case No. 10/2020 : State v/s Raj Kumar Yadav on the recommendation of SP Gimidih through his letter no. 2101, dt. 27/04/2020 on the basis of Durni P.S. No.- 120/19, dt. 28/09/19.

As per Cr. Revision No. 60 of 2020 of Hon'ble High Court of Jharkhand : Arif Ansari v/s State : "It is pertinent to point that neither under Prevention of Cruelty to Animals Act, 1960 nor under Jharkhand Bovine Animal (Prohibition of Slaughter) 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 v/s State, wherein the petitioner and the police case registered is the same which is being dealt with in this Confiscation Case Proceedings : "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

Pg(4)

आदेश पर की गई कार्रवाई के बारे में टिप्पणी तिथि

सूची 14 फारम सं. 562

आदेश पत्रक

(देखें अभिलेख हस्ताक, 1941 का नियम 129)

आदेश पत्रक ता..... से तक

जिला केस सं. सन

के का प्रकार

आदेश की कम सं और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तिथि सहित 3
	"Whenever a vehicle is found to have been used in transportation of Cattle or Beef contravening any provision of this Act the Vehicle shall be forfeited to the State Government." "On plain reading of the provision it is clear that the words used "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 uncared 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 (2)	

आदेश की क्रम सं और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तिथि सहित 3
	to all concerned. Due to busy schedule in law and order and other administrative work this order is passed today. Dictated and corrected by me.  08/12/24 Deputy Commissioner - cum-District Magistrate, Giridih  08/12/24 Deputy Commissioner - cum-District Magistrate, Giridih Memo No. 973, Date - 8/12/2024 Copy to: Superintendent of Police, Giridih for information and necessary action.  08/12/24 Deputy Commissioner - cum-District Magistrate, Giridih  08/12/24 Deputy Commissioner - cum-District Magistrate, Giridih	