

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवा के बारे में टिप्पणी, तारीख के साथ।
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IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI
Confiscation Appeal No.-03 R 28/17-18

Md Samsu Appellant

-Versus-

The State of Jharkhand Respondent

ORDER

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2.4.19

Present appeal under the Provisions of The Jharkhand Bovine Animals Prohibition of Slaughter Act, 2005 has been preferred by the appellant namely Md Samsu Son of Md Aziz Resident of Kumhar Toli, Doranda, P.S. Doranda, District Ranchi on being aggrieved by and dissatisfied with the order passed by the Learned Sub-Divisional Officer, Sadar, Ranchi contained in Memo No.-694 dated 27.04.2017, wherein and whereunder the Learned SDO has ordered to confiscate the Ashok Leyland Magic Van Vehicle JH01-BY-3606 seized in connection with Nagri PS Case No.-162/16 dated 23.12.2016 U/s 414 IPC/ 11 (1) (a) (d) (e) (f) (h) of PCA Act, 1960/ 47 (a) (b)/48/49/50/54 (1) and 56 (a) (b) Transportation of Cattle Rules, 1978 and 4 (a)/12(2) (3) of Jharkhand Bovine Animals Prohibition of Slaughter Act, 2005.


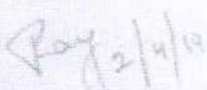
Heard both the parties. According to the Learned Advocate appearing on behalf of the appellant, a case was registered on the basis of written report of the informant Jitendra Narayan Singh who is the Senior Inspector of SPCA Ranchi, FIR was lodged U/s 414 of the IPC and Section 11 (1) (a) (d) (e) (g) (h) of Prevention of Cruelty to Animals Act, 1960 and U/s 47 (a) (b), 48, 49, 50, 54 (i), 56 (a) (b) of Transportation of Cattles Rules, 1978 and U/s 4(a), 12 (2) (3) of Jharkhand Bovine Animal

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	<p>Prohibition of Slaughter Act, 2005 on 23.12.2016 at about 7:00 AM. As per the FIR, on Magic Van bearing Registration No.- JH01BY-3606 some bovine animal was been transported and since on demand, the driver failed to show any valid document, the bovine animal alongwith the aforesaid Magic Van was seized.</p> <p>Further according to the learned Advocate, the appellat is the absolute and bonafide owner of the seized Magic Van. The appellat had preferred a petition for release of vehicle in question before the Court of Awanika Gautam, Learned JM 1st, Ranchi, but she rejected the same vide her order dated 19.06.2017.</p> <p>Further it is contended on behalf of the appellat that, the vehicle in question is commercial and hypothecated. Our Hon'ble High Court in its verdict reported in 2011 (3) ECC 411 Jhr has categorically held that in any view of the case the court should release the commercial as well as commercial hypothecated vehicle either to the petitioner on execution of sufficient sureties in case of Prohibition of Jharkhand Bovine Slaughter Act, 2005, Prevention of Cruelty Act, 1960 and in case of Transportation of Cattle Rules failing which petitioner shall suffer irreparable loss. In catena of decisions, Hon'ble Supreme Court and Hon'ble High Court has held that commercial vehicle cannot be allowed to be kept in open space of police station abandoned manner for detonation and for wear and tear.</p> <p>Further according to the Learned Advocate, the Hon'ble Apex Court in Sundar Bhai Ambalal Vrs State of Gujrat has held that in any view of the case, the commercial vehicle should be released to the petitioner within a period of one month of seizure.</p> <p>Having heard both the parties and on perusal of material available on record, I find that the appellat who is the registered owner of the vehicle in question seized in connection with Nagri</p>	

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आदेश का क्रम संख्या और तारीख	आदेश और प्रतिक्रिया का इतिहास	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारीख के साथ।
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	<p style="text-align: center;">-3-</p> <p>PS Case No.-162/2016 has not been made accused and moreover, I find from the order dated 19.06.2017 passed by the Learned JM 1st Ranchi in GR Case No-7269/2016 corresponding to Nagri PS Case No.-162/2016 that the named accused of the said case nameiy Israrul Haque and Salim Akhtar has been granted bail by the Learned Court.</p> <p>Hence for the reasons aforementioned, the instant appeal is allowed. Let the vehicle in question i.e. Ashok Leyland Magic Van Vehicle JH01-BY-3606 be provisionally released after taking surety and bond of Rs.1,00,000/- (Rupees One Lac Only).</p> <p>Communicate the order to the Learned Sub-Divisional Officer, Sadar, Ranchi for information and necessary action.</p> <p style="text-align: right;">  Deputy Commissioner Ranchi </p> <p>Dictated and Corrected</p> <p style="text-align: center;">  Deputy Commissioner Ranchi </p>	<p style="text-align: right;"> 19/06/17 Information for 11 vide Memo 10 2017/17 19/06/17 </p>

