

Court Additional. Chief Judicial Magistrate Court No.1, Varanasi.
Gau Gyan Foundation Vs State of U.P.

Case Crime No-114/2022
Section-279 I.P.C. and Section
11 of "The Prevention of Cruelty to
animals Act, 1960
P.S. Ramnagar, Varanasi.

Date-07/07/2022

Today file is fixed for order on the application of Mustaq to release the Camels in favour of him and application of Ankur Sharma on behalf of Gau Gyan Foundation to release the camels in favour of Gau Gyan Foundation.

In case crime no-114/2022 under section-279 I.P.C and section 11 Prevention of cruelty to animal act. application has been filed by Mustaq to release the 16 camels in favour of him and another application has been filed by Ankur Sharma on behalf of Gau Gyan Foundation which is registered foundation from Animal Welfare Board of India.

According to the report of police station 16 camels have been seized in case crime no. 114/2022.

Heard learned advocate of both applicant and prosecution officer and seen all the documents.

At first the opinion of the court regarding application of Mustaq is that-

In case crime no-114/2022 under section-279 I.P.C and section 11 Prevention of cruelty of animal act. P.S. Ramnagar applicant Mustaq filed an application that police has wrongly seized vehicle and 16 camels and that the camels were not for slaughtering In above mentioned case vehicle and camels have been seized and case has been registered under section-279 I.P.C and section 11 Prevention of cruelty of animal act. and investigation is going on. The allegation against the accused is regarding cruelty against animal and no ownership document has been presented by applicant Mustaq hence application of Mustaq is liable to be rejected.

Secondly the opinion of the Court regarding application of Ankur Sharma on behalf of Gau Gyan Foundation are-

The application has been filed by Ankur Sharma on behalf of Gau Gyan Foundation which is registered foundation from Animal Welfare Board of India to release the camels for safe custody in the favourable climate zone in Sirohi Rajasthan in People for Animal (PEA), Animal Care Shelter and Veterinary Hospital, near Shri Sarneshwar Mandir, Sirohi. In application it was pleaded that organization is working for welfare of animal. On the information of Mrs. Lata Devi authorized representative of Gau Gyan Foundation Police interrupted the vehicle and inside the vehicle 16 camels (aged about 1.5 to two years) was found in very inhuman and brutal condition and accordingly FIR got registered under section-279 I.P.C and section 11 Prevention of cruelty of animal act.

Rule-3 of Prevention of cruelty to animals (Care and Maintenance of Case Of Property Animals) Rule, 2017 makes the provision that "the Magistrate may direct the animal to be housed at an infirmary, Pinjrapole, SPCA, Animal welfare Organization on Gaushala during the pendency of the litigation."

In this case 16 camels have been seized by Ramnagar Police and kept in Ramnagar P.S. The present place in which camels have been kept is not favourable climate zone for camels. Hence thus is sufficient ground to accept the application on behalf of Gau Gyan Foundation.

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On the basis of above discussion the following order is passed.

Order

(A) Application filed by Mustaq to released the seized camels in favour of him is rejected.

(B) Application filed by Ankur Sharma on behalf of Gau Gyan foundation is accepted.

(i) S.H.O. Ramnagar Police Station /I.O. is directed to handover all 16 camels to representative of Gau Gyan foundation for safe custody of camels till the conclusion of trial.

(ii) I.O. is directed to help in shifting the camels to People for Animals (P.F.A.), Animal Care Shelter and Veterinary Hospital, near Shri Sarneshwar Mandir Sirohi and prepare a detailed Panchnama mentioning the colour appearance and prepare photograph of 16 camels from different angles and make these a part of prosecution document.

(iii) I.O. shall get the valuation of 16 camels from a proper valuer and shall make it a part of prosecution document.

(iv) The applicant on behalf of Gau -Gyan foundation is directed that the said animals shall be transported safely with all due care and submit detailed report and photograph to this court regarding shifing of camels to People of Animals (P.F.A.) Animal Care Shelter and Veterinary Hospital, Sirohi.

(v) Investigating officer is directed to go with the applicant and prepare a detailed report regarding shifting of camels to People of Animal (P.F.A.) Animal Care Shelter and Veterinary Hospital, Sirohi and make it part of prosecution document. Further I.O is directed to affix, indentification marks on each camels and it will also be kept in prosecution document.

(vi) The camels shall be produced as and when required by the Court and as directed by the Court for custody of camels in future. It will be followed by Gau Gyan Foudnation.

(vii) District Magistrate is directed to make proper arrangement for transportation from Ramanagar Varanasi to People of Animals Care Shelter and Veterinary Hospital, Sirohi, Rajasthan.


A.C.J.M

Court No.-1 Varanasi.