

ITEM NO.30

COURT NO.11

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).5901/2020

(Arising out of impugned final judgment and order dated 20-03-2020
in CRLMC No.768/2020 passed by the High Court of Orissa at Cuttack)

GAU GYAN FOUNDATION & ANR.

Petitioner(s)

VERSUS

SK MONTU HOQUE & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.85993/2020-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.85995/2020-EXEMPTION FROM
FILING AFFIDAVIT

IA No. 85995/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 85993/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 117714/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 06-07-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Parthiv Goswami, Sr. Adv.
Mr. Ayush Anand, Adv.
Mr. Shubhendu Anand, Adv.
Mr. Tirth Kumar Sahu, Adv.
Mr. Bhakti Vardhan Singh, AOR

For Respondent(s) Mr. Sibbo Sankar Mishra, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. Parthiv Goswami, learned Senior Counsel
appearing for the petitioners. Also heard Mr. Sibbo Sankar
Mishra, the learned counsel appearing for the State of

Orissa (respondent No.2).

2. The Office Report dated 04.07.2012 indicates that although notice was served, the respondent No.1 (Truck Owner) has failed to enter his appearance in the present proceeding.

3. The matter arises out of seizure of cattle carried in the Truck of the 1st respondent. The Truck Owner had filed a petition seeking release. The SDJM in the proceedings under Section 457 of the Code of Criminal Procedure, 1973 arising out of the G.R. Case 82/2019 refused to grant custody of the cattle, resulting in the filing of Criminal Revision No.12/2019. The Sessions Judge, Sonapur in his order dated 18.01.2020 adverting to the provisions of the *Prevention of Cruelty to Animal Act, 1960* and also the *Prevention of Cruelty to Animals (Care and Maintenance) Rules, 2017* however declined to grant relief to the Truck Owner.

4. Thereafter the aggrieved party moved the High Court of Orissa. Under impugned judgment dated 20.03.2020, the learned Judge ordered interim Zima of the Truck to the Truck Owner on such terms and conditions as would be deemed appropriate by the learned Trial Court.

5. We are informed that the Truck has since been released to the respondent No.1.

6. On this, Mr. Goswami submits that the Gaushala had to incur expenses for upkeep of the entrusted cattle but no

provision was made for recovery of the dues for the Gaushala.

7. Considering the circumstances here, we see no reason to disturb the impugned judgment of the High Court since release was ordered subject to terms and conditions to be stipulated by the Trial Court. The Special Leave Petition is, accordingly, dismissed.

8. Notwithstanding the above order, if any relief is to obtain by the Gaushala, the dismissal of the present case shall not come in their way for availing legal remedy, as may be permitted by law.

9. Pending application(s), if any, stand closed.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR