

Qamruddin Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-08-2013

Appellant : Qamruddin

Respondent : The State of Madhya Pradesh

Judgement :

HIGH COURT OF MADHYA PRADESH AT JABALPUR Criminal Revision
No.1766/2013 Petitioner : Qamruddin S/o Late Nanhe Khan Vs. Respondent : The
State of Madhya Pradesh Present: Hon. Shri B.D.Rathi
----- For
petitioner : Shri A.Usmani, Advocate For the respondent : Shri Yogesh Dhande,
Govt. Advocate

ORDER

(9/10/13) This revision petition has been preferred against the judgment dated 12/8/2013 passed by I Additional Sessions Judge, Burhanpur in Cr.A. No.60/13 whereby the judgment dated 28/02/2013 passed by Judicial Magistrate First Class, Burhanpur, in Criminal Case No.1730/12 convicting the petitioner under Section 6(b) read with 10 of the M.P. Krishik Pashu Parirakshan Adhiniyam, 1959 (for short the Adhiniyam.) and sentencing him to undergo R.I. for six months and to pay fine of Rs. 1000/-, convicting him under Section 66/196 of the Motor Vehicles Act (for short the Act.) and sentencing him with a fine of Rs.2000/- with imprisonment till rising of the Court and also convicting him under Section 3/181 of

the Act and sentencing with fine of Rs.500/- and imprisonment till rising of the Court, was affirmed.

2. Prosecution case, in brief, is that on 14/06/2000, 24 cows were being transported in Truck No.MP14-K-0056 driven by the petitioner and during interrogation, he informed that they were being taken from Mandsaur to Maharashtra for the purpose of slaughtering.

3. At the outset, learned counsel for the petitioner submitted that he does not want to challenge the convictions awarded to the petitioner. However, he prayed that the custodial sentence passed against the petitioner may be reduced to the period already undergone. According to him, the petitioner is in jail since 12/08/13. 2 Cr.R. No.1766/13 4. In response, learned Government Advocate while making reference to the incriminating pieces of evidence on record, submitted that the convictions were well merited and the impugned judgment did not warrant interference.

5. Having regard to the arguments advanced by the parties, perused the judgments of the Courts below.

6. As the convictions are not under challenge, adverting to the question of sentence, it is apparent from the record that the incident took place, as early as, in the year 2000 and since then the petitioner has faced the prosecution and suffered the ordeal of trial and appeal for a considerable period of more than twelve years. Taking into consideration facts and circumstances of the case including that the petitioner had no criminal antecedents, interests of justice would be met if the term of custodial sentence awarded under the Adhiniyam is reduced to three months and the fine sentence is enhanced to Rs.5000/-.

7. In view of the aforesaid, impugned convictions and consequent sentences under the Act are maintained. However, the impugned term of custodial sentence under the Adhiniyam is reduced to three months while the corresponding fine amount is enhanced to Rs.5000/- (Rupees five thousand only).

8. In the result, the revision stands allowed in part.

9. Copy of the order be sent to the trial Court for information and compliance. (B. D. RATHI) JUDGE910/13 (and)

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