



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 566 OF 2025

BETWEEN:

1. ISMAIL JABIULLA @ JABIULLA @ ZABI,
S/O LATE IBRAHIM SAAB @ IBRAHIM
AGED ABOUT 48 YEARS,
PRESENTLY R/AT: RENTED
HOUSE BELONGING TO ABIDHA JAVEED
BEHIND NOORANI MASJID
REHAMATH NAGAR
KOLAR TOWN - 563 101
PERMANENT R/AT: ASHWATH NAGAR,
RENTED HOUSE BELONGING TO GOWDA
BANGALORE - 560037.

2. TALIM KHAN @ THALIM
S/O SHER AHMED
AGED ABOUT 25 YEARS,
PRESENTLY R/AT NO.560,
WARD NO.06, MHELIYA MOHALLA
GASER MEVATH,
HARIYANA - 122103

PRESENTLY R/AT: MEVATH HOTEL
ANANTHPURA BANGALORE HIGHWAY
ANANTHPURA DISTRICT
ANDHRA PRADESH - 515001.

...PETITIONERS

(BY SRI. CHIRAG U., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY GULPET POLICE STATION,





KOLAR DISTRICT
REP. BY SPP, HIGH COURT BUILDING
BENGALURU-560001.

2. VENKATARAMAPPA M
AGED ABOUT 58 YEARS,
C.P.I, GULPET CIRCLE,
KOLAR TOWN,
KOLAR-563102.

...RESPONDENTS

(BY SRI. M.R. PATIL, HCGP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN C.C.NO.1367/2024 ON THE FILE OF I ADDITIONAL CIVIL JUDGE AND JMFC, KOLAR, FOR THE OFFENCE P/U/S 4, 6, 7, 8, 12(2) OF THE KARNATAKA PREVENTION OF SLAUGHTER AND PREVENTION OF CATTLE ORDINANCE-2020 R/W 11 OF PREVENTION OF CRUELTY TO ANIMALS ACT-1960 R/W 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 96, 98 OF TRANSPORTATION OF ANIMALS ACT-1978 AND 181(3), 177 OF IMV ACT R/W 149 OF IPC OF GULPET POLICE STATION, KOLAR WHICH IS PRODUCED AT ANNEXURE-A.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

The petitioners, accused Nos. 3 and 4, have been charge-sheeted for offences punishable under Sections 4, 6, 7, 8, and 12(2) of the Karnataka Prevention of Slaughter and Preservation of Cattle Ordinance, 2020, read with Sections 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 96, and 98 of the Transportation of Animals Act, 1978, and Sections 181(3) and 177 of the Indian Motor Vehicles



Act, 1988, along with Section 149 of the Indian Penal Code, 1860 (IPC). The petitioners have approached this Court seeking relief.

2. The prosecution alleges that on 03.09.2022, the complainant, upon receiving credible information about illegal cattle transportation, along with his staff, conducted a raid. Upon reaching the spot, they found that cattle were tied in a shed belonging to accused No.1. Three cattle had already died, and three others were recovered from a lorry owned by accused No.2.

3. The allegation against accused No.3 is that he was present inside the shed at the time of the raid, while accused No.4 was in the lorry, which was parked outside the shed. It is further alleged that the accused failed to provide sufficient food and water to the cattle and attempted to transport them without obtaining the requisite permit.

4. The learned counsel for the petitioners and the learned High Court Government Pleader for the respondents have been heard.

5. Section 4 of the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020 prohibits the slaughter or causing the slaughter of any cattle.

6. Section 5 of the Act stipulates that no person shall transport or offer for transport or cause to be transported any cattle within the State for slaughter, except for bonafide agricultural or animal husbandry purposes as prescribed by the government.



7. Section 6 restricts the transport of cattle outside the State for slaughter without obtaining a valid permit from the competent authority.

8. Section 7 prohibits the sale, purchase, or disposal of cattle for slaughter or knowing that such cattle shall be slaughtered.

9. In the present case, there is no material evidence to establish that accused Nos.3 and 4 intended to transport cattle without a permit or to slaughter or offer to slaughter any cattle. The only evidence against them is the confession statement of co-accused Nos.2 and 5, who have stated that accused Nos.3 and 4 participated in the transportation of cattle for slaughter.

10. It is a well-settled principle that any confession made by an accused while in police custody is inadmissible under Section 25 of the Indian Evidence Act, 1872, unless corroborated by independent material evidence. An accused cannot be subjected to trial solely based on a confession statement.

11. Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C.) mandates that upon receiving information regarding a cognizable offence, the police must immediately register a First Information Report (FIR) before proceeding with an investigation or record the information in the station house diary in cases of exigencies apprehending that the offenders may abscond or destroy the evidence.



12. In the instant case, the police conducted the investigation first and registered the FIR later, which is legally impermissible.

13. The allegations against accused Nos.3 and 4, even if taken at face value, do not fulfill the essential elements required to constitute the offences alleged against them.

14. The continuation of criminal proceedings solely on the basis of the confession statements of accused Nos.2 and 5, and in violation of Section 154 of Cr.P.C., amounts to an abuse of the process of law.

15. In view of the aforesaid discussion, this Court is of the considered opinion that the prosecution against accused Nos.3 and 4 is unsustainable in law.

16. Accordingly, the petition is allowed.

17. The impugned proceeding in CC No.1367/2024 pending on the file of the learned I Additional Civil Judge and JMFC, Kolar, insofar as it relates to the petitioners - accused Nos.3 and 4 is hereby quashed.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE