

ITEM NO.30

COURT NO.11

SECTION II

**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**

Miscellaneous Application No. 1620/2022 in SLP(Cr1) No. 9997/2021

(Arising out of impugned final judgment and order dated 04-03-2022 in SLP(Cr1) No. No. 9997/2021 passed by the Supreme Court Of India)

MEHER BANU BEGUM

Petitioner(s)

VERSUS

THE STATE OF ASSAM & ANR.

Respondent(s)

**(FOR ADMISSION and IA No.119260/2022-CLARIFICATION/DIRECTION
IA No. 119260/2022 - CLARIFICATION/DIRECTION)**

Date : 26-09-2022 This matter was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE J.K. MAHESHWARI**

For Petitioner(s) Ms. Sonia Mathur, Sr. Adv.
Mr. Ayush Anand, Adv.
Mr. Shubhendu Anand, Adv.
Mr. Simarjeet Singh Saluja, Adv.
Ms. Prerna Dhall, Adv.
Mr. Nikhil Chandra Jaiwal, Adv.
Mr. Gopal Jha, AOR

Mr. Ranjan Mukherjee, Adv.
Mr. Dharendra Kumar Mishra, Adv.
Mrs. Aushi, Adv.
Mr. P. B. Reddy, Adv.
Mrs. Patnam Shyla, Adv.
Mr. Rameshwar Prasad Goyal, AOR

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

**The special leave petition was dismissed by this
Court on 04.03.2022, recording as under:**

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"Heard learned counsel for the parties.

We find no grounds to interfere with the impugned judgment and order in exercise of jurisdiction under Article 136 of the Constitution of India.

The special leave petition is, accordingly, dismissed.

On complying with the requisites as specified in the judgment and order impugned, the cattle shall be made over to the petitioner.

Pending applications, if any, stand disposed of accordingly."

There appears to be confusion as to the purport of the latter portion of the order which records that, "on compliance of requisites as specified in the judgment and order impugned, the cattle shall be made over to the petitioner." Our attention is drawn to the impugned order dated 17.11.2021, which did not interfere with the order passed by the Judicial Magistrate, First Class dated 27.01.2021, who had held that there was no irregularity or illegality in the seizure order. The operative and conclusion formed by the Judicial Magistrate, First Class, *vide* dated 27.01.2021, reads:

"...Accordingly it appears that the cattle were subjected to cruelty and hence in view of the provisions of the Rule 3 of the Prevention of Cruelty to Animals (Care and Maintenance of case property animals) Rules, 2017 the zimma petition no. 1215/2020 is rejected.

It further appears from the record that the

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cattle have been kept in the SD livestock and shelter house, Srirampur and none except the petitioner have prayed for zimma of the cattle and thus the petitioner/actual owners are directed to execute the bonds of sufficient amount to cover the cost of shelter, fodder, treatment etc. of the seized cattle during its stay at the pound as per the provisions of the Section 5 (sic. Rule 5) of the Prevention of Cruelty to Animals (Care and Maintenance of case property animals) Rules, 2017 within 3 days from today failing which the cattle shall be forfeited as per the provisions of the Section 5(sic. Rule 5) of the Prevention of Cruelty to Animals (Care and Maintenance of case property animals) Rules, 2017.

I.O. is directed to submit a report as to whether the actual owners have executed any bond in pursuance to this order on the next date.

Fix - 1.2.2021 for report of the I/O.

Let a photocopy of this order be given to the IO for information and necessary action."

The observations and findings recorded by the High Court in the order dated 04.03.2022 have to be read in light of the direction given in the order dated 27.01.2021.

Learned counsel appearing for the petitioner-Meher Banu Begum has stated before us that she is ready and willing to execute the necessary bond in terms of Rule 5 of the Prevention of Cruelty to Animals (Care and Maintenance of case property animals) Rules, 2017. Taking

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the statement on record, the trial court would proceed accordingly.

The question whether the petitioner-Meher Banu Begum is entitled to custody of the said cattle would be decided based upon the decision in the trial.

The trial will be expedited and should be concluded as soon as possible.

Recording the aforesaid, the order dated 04.03.2022 passed by this Court is clarified.

Miscellaneous application is disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)