

## 5. Application for proper police investigation

Name & address  
of the Complainant :

\_\_\_\_\_

To

- (1) The Secretary,  
Home Department,  
Sachivalaya,  
Gandhinagar.
- (2) Police Commissioner,  
\_\_\_\_\_
- (3) Collector,  
\_\_\_\_\_ District.
- (4) Gujarat Gau Seva Ayog,
- (5) Police Inspector,  
\_\_\_\_\_ Police Station.
- (6) Police Sub Inspector,  
\_\_\_\_\_ Police Station.
- (7) Regional Transport Officer,  
RTO, \_\_\_\_\_ District.

Respected Sirs,

Sub : Regarding proper & expeditious investigation of Complaint  
No. /200 \_\_\_\_\_

It is respectfully submitted that first of all heartily congratulations for saving \_\_\_\_\_ buffaloes, \_\_\_\_\_ cows, \_\_\_\_\_ sheep & goats and \_\_\_\_\_ pigs which were being transported in a truck/ tempo/ by foot and also arresting the accused persons on \_\_\_\_\_ on the basis of prior information. In this regard, it is requested to make proper and adequate investigation on the aspects stated below:

- (1) Accused persons/ true owners of the animals / owner of the vehicle are residents of which place? Whether, earlier they have been involved in such or similar

offences in other districts of entire State of Gujarat, whether the vehicle caught is earlier used and caught in the same or similar offence in other districts of State of Gujarat. Investigation on this aspect which was required to be made, has not been made. Such investigation is very much necessary because the Law provides different and distinct punishments for first and second offence.

- (2) When accused persons were caught, they were not having any papers regarding purchase of those animals. They have produced receipts of purchase at a later stage. Therefore, it is very much necessary to investigate whether the same are true /genuine or false. If the same are not genuine and are false, you are requested to registered separate offence for the same.
- (3) No investigation is made with regard to the fact that animals were being taken to which slaughter house, at whose instance the animals were brought, stable of animal was situated where and belonged to whom etc.
- (4) That number of animals were loaded side by side in one vehicle which caused abrasions on them, abrasions were also caused on “Anchal”. However, no examination by Veterinary Doctor has been made. You are requested now to get those animals examined through Veterinary Doctor.
- (5) The accused persons have committed non-bailable offence. They have suppressed so many information and have not give true information. The accused persons are clever and habituated. It is clear that they are having a large-scale network of taking the animals to a slaughter house and slaughtering them. Therefore, it is necessary to make thorough and proper investigation by seeking remand of the accused persons.
- (6) You are also requested to immediately investigate whether accused persons caught and vehicle seized has been involved in any earlier offences and submit the details thereof before the Hon’ble Court. If any accused is caught in connection with any offence, Police Officer concerned makes special investigation by making wireless messages to all the police stations through out the State to inquire whether any case is registered against the said accused, whether the said accused is “wanted” or not.
- (7) In the prohibition cases, generally the persons sending liquor and person calling for/ purchasing such liquor are also being joined as accused. Therefore, in the present case, by investigating regarding entire chain of offence, the persons who have committed offence, the persons who have attempted to commit the offence, the person running slaughter house, the conspirator of the offence, commission agents/ brokers who abetted the offence, owners etc. all should be made accused of the crime and should be arrested. The person at whose instance calves are

brought, all the places of the said person engaged in slaughtering, should be raided and it is also requested to recover the weapons used for slaughtering.

- (8) As per the instructions issued by the Government, in 11th Legislative Assembly Session, as per the authenticated declaration made by the Hon'ble Minister (Home) on 23.03.2007, you are requested to take steps for cancellation of registration of the vehicle involved in such offence, for cancellation of driving licence of the driver involved, to get the entry made in the RC Book of the said vehicle and to intimate about this immediately to the RTO./
- (9) The applicant who has filed an application for getting custody of the animal seized has stated that he is doing cattle-breeding and on cattle being young, is selling for agricultural purpose. Therefore, you are requested to investigate as to from whom and at what price the applicant had purchased the said animals, whether receipts are genuine or bogus, whether he is having any licence necessary for the business in animals, earlier also when he had done this type of business/activity, in which manner and with whom. If the information/details are found to be incorrect/ bogus, you are requested to submit report to the Hon'ble Court to add appropriate sections under the provisions of the Indian Penal Code in this very offence.
- (10) By registering the offence, you have taken the action/steps worth appreciation. The Hon'ble High Court, in its recent decision rendered on 25.09.2007 in Special Criminal Application No. 1442/2007 in the case of Naroda Mahajan v/s State of Gujarat, has observed and held that the main function of the police is to inquire and trace out the truth. Hence, it is requested to make proper investigation in this case qua the aforesaid aspects and to do the needful in the matter.
- (11) In the Gujarat Legislative Assembly, as per the declaration made by the Minister for Transportation (State) on 30.08.2001, constant watch is required to be kept on the vehicle caught in connection with the offence by informing number of the said vehicle to all the police stations of the district. Hence, you are requested to furnish all the details of the offence committed viz. names of the accused, number of the vehicle and other necessary information to all the police stations of the entire State through wireless.
- (12) Under section-3 of the Prevention of Antisocial Activities Act, 1985, (PASA Act) any offender/accused in slaughtering of any cow or cow progeny, can be booked and put under detention under the provisions of the PASA Act. The word "habitual" would not mean that more than one offence should have been registered against the accused person. It is not material whether earlier he has been caught in connection with such offence or not, but considering the spreading of his such offensive activities, it is required to be determined by the Detaining Authority whether the accused is involved in slaughtering of number of animals or whether he

is going to make such attempts. It is, therefore, requested to prepare and submit appropriate proposal for detention of the said accused under PASA.

- (13) In the 11th Legislative Assembly Session, as per the authenticated declaration made by the Hon'ble Chief Minister (Home) on 27.07.2007, in respect of the accused person found involved in two or more offences, externment proceedings are required to be initiated against such accused.
- (14) In the 11th Legislative Assembly Session, as per the authenticated declaration made by the Hon'ble Chief Minister (Home) on 21.03.2007, if the vehicle is found involved again in the offence of transportation of the cow and cow progeny for the purpose of illegal slaughtering, proceedings are required to be initiated before the Hon'ble Court for cancellation of the Bond. Thus, when the vehicle caught in commission of the offence, if is found caught earlier in connection with same or similar offence, you are requested to immediately take steps for cancellation of Bonds given in respect of earlier offence and for emptying the vehicle and for confiscation of the said vehicle.
- (15) In the 10th Legislative Assembly Session, as per the authenticated declaration made by the Hon'ble Chief Minister (Home) on 23.03.1999, when the animals are being caught while transporting to a slaughter house, the police department is issued necessary orders to make effective representation before the Hon'ble Court. Accordingly, in the present case, as and when hearing of the accused takes place or application is made for custody of the animals or when trial commences, it is requested to make effective and strong representation before the Hon'ble Court in such eventualities.
- (16) The value of the animals stated in the complaint is absolutely false, excessive and not based on any documents or evidence and the same is based on the basis of oral information given by the accused. You are, therefore, requested to find out real and actual value of the animals.

You are also requested to send Yadi to Government Veterinary Doctor for immediate medical examination of the animals caught. Further, you are also requested to instruct him to visit the animals twice in a week for regular treatment of the said animals.

Copy forwarded to :-

Ld. Government Pleader/ Public Prosecutor,  
\_\_\_\_\_ Court.