

SUPREME COURT OF INDIA

Joshine Antony

Vs.

Barafwala Cold Storage & Agro Processor

Crl.A.No.1591-1592 of 2018

(Abhay Manohar Sapre and Indu Malhotra,JJ.,)

11.12.2018

JUDGMENT

Abhay Manohar Sapre,J.,

SLP(Crl.)No.6505-6506 of 2018

1. Leave granted.
2. These appeals are filed against the final judgment and order dated 28.06.2018 passed by the High Court of Karnataka, Circuit Bench at Dharwad in W.P.Nos. 102964 and 102965 of 2018 whereby the High Court disposed of the writ petitions with certain observations detrimental to the appellant's complaint in FIR No.45/2018, Mal Maruti Police Station, Belagavi.
3. The proceedings out of which these appeals arise have emanated on the strength of FIR No. 45/2018 registered at Mal Maruti Police Station, Belagavi.
4. It is in relation to commission of certain offences punishable under the provisions of the Prevention of Cruelty to Animals Act, 1960 and the Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964 against respondent No. 1. It is now pending for its final disposal in the Court of JMFC- II, Belagavi.
5. The aforementioned proceedings were challenged by respondent No. 1 in the High Court of Karnataka (Dharwad Bench) by filing the writ petitions. The High Court, by impugned order, disposed of the writ petitions with certain observations giving rise to filing of the present appeals by way of special leave by the complainant in this Court.
6. Having heard the learned counsel for the parties and on perusal of the record of the case, we are inclined to dispose of these appeals with an observation that the Investigating Officer (IO) of the case and the concerned Magistrate, who is trying the case will not be influenced by any observations made by the High Court while making and completing the investigation and trying the case on merits.

7. In other words, the IO and Magistrate concerned would proceed in the matter strictly in accordance with law on the basis of evidence and would not be influenced, in any manner, by the observations made by the High Court in the impugned order.

8. We have, however, refrained ourselves from going into the merits of the case at this stage in these appeals because we find that the IO and Magistrate are already seized of the matter.

9. With these observations, the appeals stand disposed of. We, however, direct the concerned Magistrate to finally dispose of the matter within a period of six months from the date of this order.