



2026 INSC 1076

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No.....of 2026
[@ Special Leave Petition (Crl.) No.16871 of 2026]**

Saurabh Bajaj

...Appellant

Versus

State of Chhattisgarh & Ors.

..Respondents

ORDER

Leave granted.

2. The appellant is one of the six accused who were convicted under the Chhattisgarh Agricultural Cattle Preservation Act, 2004¹. The allegation was of transport of cattle in violation of Section 6 and were sentenced to one year rigorous imprisonment and a fine of Rs.1,000/- under Section 10 of the Act.

3. The allegation was that 32 bullocks were carried in a truck from Keduwa and the same was proceeding towards Odisha, when it was detained by PW3, a Head Constable, who had received information of such transport being

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Reason:

¹ For brevity, 'the Act'

made. The cattle were seized, and the driver and the cleaner were arrested. Together with them, a Bolero car, which was moving in front of the truck, was also detained, alleging that the car was escorting the truck. Four persons travelling in the car were also arrested, one of whom was the petitioner herein.

4. The Trial Court convicted the accused, which was affirmed by the First Appellate Court and the Revisional Court. The Revisional Court, the High Court, in the impugned order restricted the sentence to that already served. The appellant is before us specifically challenging the conviction.

5. Five witnesses were examined by the prosecution. PW1, a Veterinary Doctor, submitted his report as Ex.P1, which clearly indicated that all the animals were fit and were good for agricultural purposes; suitable for ploughing. The apparent health of the cattle was also corroborated by PW5, the President of the Gaushala Committee Jogidadar, who was entrusted with the possession of the cattle. PW3, the Head Constable who carried out the interception and the seizure of the cattle, as

indicated by all the Courts, clearly established the interception and seizure of the cattle. PWs 2 and 4 were the independent witnesses who attested the seizure. The seizure witnesses turned hostile but accepted their signatures on the *mahazar*. The seizure witnesses did not identify any of the accused.

6. The High Court extracted Sections 6 and 10, the first of which is the offence alleged and the latter the provision determining the penalty. The High Court also referred to Section 11, where there is a reverse burden cast on the accused to prove that the slaughter or the transportation of the agricultural cattle was not in violation of the provisions of the Act.

7. As we see from the impugned order, what has been established is only that the truck was intercepted and the cattle seized by PW3. There is nothing substantial to prove that the Bolero car was escorting the truck. Before the Revisional Court, the driver of the truck had raised an argument that the passengers in the Bolero car had hired the truck and the cattle belonged to them. However, such a contention was not taken by the accused even before the

trial court and nor was such an explanation offered in the Section 313 Statement.

8. Section 6 specifically indicates the offence of transportation of cattle for the purpose of slaughter or knowledge that such cattle are likely to be slaughtered. But for a mere presumption of such intention, by the Head Constable, PW3, there is nothing on record to show that the cattle were carried for slaughter. The reverse presumption provided by Section 11 would apply only if the essential ingredients for alleging the offence are proved before the Trial Court. In which event, the accused has the onus to prove that the transport for slaughter or the slaughter itself was not in violation of the provisions of the Act. The mere fact that the transport was not accompanied by any documents cannot lead to a presumption that the transport was for slaughter. The absence of documents to validate the transportation, if it is in violation of any statute, then the consequences should flow from that statute and cannot lead to an assumption of violation of the provisions of the Act.

9. We find absolutely no reason to uphold the conviction especially when a Veterinary Doctor and the President of Gaushala Committee categorically stated before Court that the cattle seized by PW3 were fit and good for use in agriculture like for ploughing.

10. The revisional order impugned in this appeal, along with the order of conviction and sentence of the Trial Court and the First Appellate Court, is set aside. The appellant's conviction is thus set aside, and the appeal is allowed accordingly.

11. Pending application(s), if any, shall stand rejected.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
SEPTEMBER 29, 2026.**