

News

The Uttarakhand High Court refuses to dismiss the FIR against a man who incited a mob against a motorist who was transporting buffalo meat.



The accused is accused of playing a key role in inciting the mob by falsely claiming that the victim had transported cow flesh.

A guy who allegedly incited others to lynch a man due to false allegations of transporting cow flesh was recently denied any remedy by the Uttarakhand High Court.

After learning that accused Madan Mohan Joshi had gone live on Facebook and threatened a

revolution throughout India, the Division Bench comprising Chief Justice G. Narendra and Justice Subhash Upadhyay denounced his activities.

"He says he will launch a "Krantī" (revolution) not just here but throughout the nation and other regions. To put it another way, he is disparaging democratically elected and popular governments, which is unacceptable. The Court stated in its November 20 judgment that "the petition does not merit consideration and is, therefore, rejected."

An emergency call was received last month, according to the police, alleging that some individuals had stopped a car carrying buffalo meat and were attacking the driver. When the police arrived, they prevented the driver from being lynched.

Joshi's bogus allegation that the driver was bringing cow meat is said to have played a key role in inciting the mob. Additionally, he went live on Facebook with his statements, which caused a number of people from two distinct communities to come together.

The defendants petitioned the court to have the prosecution case for unlawful assembly and attempted murder quashed. He also wanted to avoid being arrested.

He said that rather than attacking the victim, he was attempting to appease the enraged throng. But according to the State, he was named by the injured victim's wife, and the accused has eluded the police despite efforts to look into the matter. The Court was informed that Joshi was also the subject of a non-bailable warrant.

The victim and his wife have identified Joshi as one of the perpetrators, the court remarked after reviewing the petition and police report. Additionally, it noted that the victim's documents attested to the fact that the meat was buffalo.

"The petitioner nevertheless acknowledges that he was there at the scene of the incident. The petitioner's admission of the live Facebook telecast is still a reality. He argues that he did not assault the victim and instead behaved in a good-samaritan manner. The images unmistakably depict bleeding wounds on the victim's head and other body parts," it continued.

However, the Court stated that as it was a matter of investigation and trial, it was not recording any definitive findings.

Regarding Joshi's request for some protection, the Court stated,

"The legal rules, including Section 35 of the BNSS, 2023, specify exactly when an individual may be taken into custody. He can definitely go to court right now if there is any breach. If the police are prevented from conducting a fair inquiry, this is especially true if the petitioner acknowledges his presence at the scene.

The accused moved the court only after the police filed an application to declare him a proclaimed criminal, the court further noted, and a warrant is still in effect against him.

The plea was therefore rejected.

The petitioner was represented by attorneys Lalit Sharma and Anmol Sandhu.

The State was represented by Deputy Advocate General JS Virk and Advocate RK Joshi.

The complainant was represented by attorneys Mrinal Kanwar and Ayush Gaur.