

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No.3 of 2025

Dhyan Foundation Goushala, Registration No. Doc. No.2235, AWBI Reg No.ND054/2019, Address – Latuatila, Muhuripur, South Tripura, Tripura – 799142, through its authorized representative Parth Deb, S/o Biswanath Deb, R/o Village- Paschim Champamura, P/O-Paschim Champamura G.P., West Tripura, Pin-799008.

.....Petitioner(s);

Versus

1. The State of Tripura, represented by Secretary-cum-Commissioner, Government of Tripura.
2. Sri Pranjit Rudra Pal @Rakesh Pal, S/o Pelu Pal, R/o Sankarpur, Muhuripur, P.S. Baikhora, P.o-Baikhora, District-South Tripura.

.....Respondent(s)

Along with

Crl. Petn. No.4 of 2025

Dhyan Foundation Goushala, Registration No. Doc. No.2235, AWBI Reg No.ND054/2019, Address – Latuatila, Muhuripur, South Tripura, Tripura – 799142, through its authorized representative Parth Deb, S/o Biswanath Deb, R/o Village- Paschim Champamura, P/O-Paschim Champamura G.P., West Tripura, Pin-799008.

.....Petitioner(s);

Versus

1. The State of Tripura, represented by Secretary-cum-Commissioner, Government of Tripura.
2. Sri Ranjit Paul, S/o Dayal Hari Paul, R/o Lowgang, Santirbazar, P.S.-Santir Bazar, P.O.-Santir Bazar District – South Tripura.
3. Sri Kanailal Debnath, S/o Late Banamali Debnath, R/o-Madhab Nagar, P.S. Manubazar, P.O- Manubazar, District - South Tripura.
4. Sri Bhabatosh Baidya, S/o Late Nanda Kr. Baidya, R/o-Haripur, Belonia, P.S- Belonia, P.O- Hrishyamukh, District - South Tripura.
5. Sri Indrajit Chakraborty, S/o Unknown, R/o-Village – Unknown.
6. Sri Debabrata Das, S/o Unknown, R/o-Village – Unknown.
7. Sri Sishuram Baidya, S/o Unknown, R/o-Village – Unknown.
8. Sri Parimal Mitra, S/o Unknown, R/o-Village - Hrishyamukh, P.S. - Belonia, P.O- Hrisya Mukh, District - South Tripura.

.....Respondent(s)

For Petitioner(s) : Mr. Arjun Acharjee, Advocate.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

12/02/2025

Both the petitions [Crl Petn. No.3 of 2025 and Crl. Petn. No.4 of 2025] are directed against the common order dated 06.01.2025 passed in Crl. Revision No.1 of 2024 and Criminal Revision No.05/2023 by the learned Sessions Judge, South Tripura, Belonia under Section 397 of the Cr.P.C. whereby the order of the learned Chief Judicial Magistrate, South Tripura, Belonia dated 07.03.2024 passed in Misc. Case No.21/2024 arising out of Baikhora PS case No.11/2024 and order dated 17.08.2023 passed in Belonia PS Case No.47 of 2023 for release of the cattle in favour of the private respondents has been affirmed. The revision petition has been rejected. The learned trial Court took into note the report of the investigating agency that the cattle allegedly being carried in contravention of the Prevention of Cruelty to Animals Act, 1960 read with Prevention of Cruelty to Animals (Marketing and Care of Case Property) Rules 2017 were belonging to the private respondents.

The learned trial Court also took into consideration the decisions rendered by the Apex Court in the case of (i) *Bharat Amratlal Kothari & Another versus Dosukhan Samadkhan Sindhi & others* reported in (2010) 1 SCC 234; (ii) *Manager, Pinjrapole Deudar & Another versus Chakram Moraji Nat & Others* reported in (1998) 6 SCC 520 and other decisions relied upon by the petitioner and held that since the petitioner-foundation had only

been granted interim custody of seized cattle's, it cannot have any preferential right over those seized cattle's.

Petitioner-foundation is engaged in the welfare of animal and runs camps at various places in the State and elsewhere in the Country. Being aggrieved with the order of release of the cattle, the petitioner has approached the learned revisional Court which has also refused to interfere in the release of cattle's.

After due consideration of the relevant materials relating to two FIRs, the judgments on the point, the provisions of the Prevention of Cruelty to Animals Act, 1960 the impugned order do not appear to suffer from any irregularities, impropriety or jurisdictional error calling for interference. Learned counsel for the petitioner though has endeavoured to question the findings of the learned trial Court as affirmed in revision petition but after some arguments he does not seek to press the instant petitions filed under Section 482 of the Cr.P.C.

However, he submits that in consonance with the Prevention of Cruelty to Animals (Marketing and Care of Case Property) Rules 2017 and also the recommendation of the Animal Welfare Board of India contained in letter No.9-1/2018-19/PCA dated 03.05.2018, the learned Court ought to have granted the maintenance cost, as prescribed, in favour of the petitioner-foundation for maintaining the cattle in good condition during the period of interim custody.

In respect of the instant prayer, this Court deems it proper to allow liberty to the petitioner-foundation to make such an application before the learned trial Court which shall be considered in accordance with law.

Accordingly, the instant petitions are dismissed as not pressed. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

