

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Cr1.R.C.No.1306 of 2015

K.Rajendran

.. Petitioner

VS

State by
Inspector of Police,
Thevoor Police Station,
Thevoor.
Crime No.110 of 2015

... Respondent

Criminal Revision filed under Section 397 r/w. 401 of Cr.P.C. against the order made in C.M.P.No.5897 of 2015 in Crime No.110 of 2015 dated 07.12.2015 on the file of learned Judicial Magistrate I, Sankari.

For Petitioner : Mr.R.Vivekananthan
for
Mr.T.N.Rangesh Kanna

For Respondent : Mr.C.Iyyapparaj,
Government Advocate (Cr1.side)

O R D E R

Petitioner challenges the order of learned Judicial Magistrate I, Sankari, passed in C.M.P.No.5897 of 2015 in Crime No.110 of 2015 on 07.12.2015, rejecting the petition filed for return of cattle seized by respondent police.

2. Respondent has seized 23 cattle belonging to petitioners in connection with the case registered in Crime No.110 of 2015 on its file for offence under Sections 428, 429, 420 IPC, 11(1) of Prevention of Cruelty to Animals Act, 1960, 96, 97 of Transportation of Animal Rules and 4(3) (a) of the Tamil Nadu Preservation Act, 1958. Petitioner has moved C.M.P.No.5897 of 2015 before learned Judicial Magistrate I, Sankari, seeking return of cattle. Such petition came to be dismissed under orders dated 07.12.2015 and hence, this revision.

3. Heard learned counsel for petitioner and learned

Government Advocate (Crl.side).

4. Considering the submissions made on either side, this Court directs as follows:

23 cattle belonging to petitioner shall be placed in his interim custody after complying with the following:

the Court below shall cause photographs of cattle to be taken and record panchanama thereof, the photographs taken shall be read as secondary evidence during trial and production of cattle shall be dispensed with.

5. This Court is conscious that u/s. 29 of Prevention of Cruelty to Animals Act, 1960, the court, upon conviction may direct forfeiture of Animals in respect of which offences stand committed. This Court records the submission of learned counsel for petitioner that the petitioner will cause the animals to be produced before the trial court if so directed. This Court directs the Investigating Officer to file the charge sheet within a period of one month from today. In the event of trial, the trial Court shall dispose of the case within a period of three months from the date of filing of charge sheet.

6. In the result, this Criminal Revision is allowed. The order of learned Judicial Magistrate I, Sankari, passed in C.M.P.No.5897 of 2015 in Crime No.110 of 2015 on 07.12.2015 is set aside.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate I,
Sankari.

2.The Inspector of Police,
Thevoor Police Station,
Thevoor.

3. The Public Prosecutor,
High Court, Chennai.

+1 cc to Mr.T.N.Rangesh Kanna, Advocate, sr.69098

Crl.R.C.No.1306 of 2015

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