

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM:

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

Crl.R.C.Nos.1339 to 1347 and 1305 of 2015

Natarajan .. Petitioner in Crl.RC 1339,1340  
Nandugaru .. Petitioner in Crl.R.C.Nos.1341/15  
Govindan Reddy .. Petitioner in Crl.R.C.No.1342/15  
Satheeshkuamr .. Petitioner in Crl.R.C.Nos.1343/15  
Cheliyan .. Petitioner in Crl.R.C.No.1344/15  
Darshanan .. Petitioner in Crl.R.C.No.1345/15  
Rameshgoud .. Petitioner in Crl.R.C.No.1346/15  
Surendar Reddy .. Petitioner in Crl.R.C.No.1347/15  
Patnam Shureshgaud .. Petitioner in Crl.R.C.No.1305/15

vs

State by  
Inspector of Police,  
Sankari Police Station,  
Sankari.  
Crime No.704 of 2015

.. Respondent in all Crl.R.C's

Criminal Revision filed under Section 397 r/w. 401 of Cr.P.C. against the order made in C.M.P.No.9181 of 2015 9182/15, 9183/15, 9184/15, 9185/15, 9186/15, 9187/15, 9188/15, 9189/15 and 9179/15 respectively in Crime No.704 of 2015 dated 03.12.2015 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 (Crl.side)

C O M M O N O R D E R

Petitioners challenge the orders of learned Judicial Magistrate I, Sankari, passed in C.M.P.Nos.9179,9181, 9182,9183,9184,9185,9186,9187, 9188 and 9189 of 2015 in Crime No.704 of 2015 on 03.12.2015, rejecting the petitions filed for return of cattle seized by respondent police.

2. Respondent has seized 231 cattle belonging to petitioners in connection with the case registered in Crime No.704 of 2015 on its file for offence u/s.4(3)9 of Tamil Nadu Animal Preservation Act, 1958 under Sections 11(1)(d) of Prevention of Cruelty to Animals Act r/w 428, 429 IPC, u/s. 96,97 of Transportation of Animal Rules, 1978/2001. Petitioners have moved C.M.P.Nos.9179,9181,9182,9183, 9184,9185,9186,9187,9188 and 9189 of 2015 on the file of learned Judicial Magistrate I, Sankari, seeking return of cattle. Such petitions came to be dismissed under orders dated 03.12.2015 and hence, these revisions.

3. Heard learned counsel for petitioners and learned Government Advocate (Crl.side).

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

231 cattle belonging to petitioners shall be placed in their 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 petitioners that petitioners 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, these Criminal Revisions are allowed. The order of learned Judicial Magistrate I, Sankari, passed in C.M.P.Nos.9179,9181,9182, 9183,9184,9185,9186,9187,9188 and

9189 of 2015 in Crime No.704 of 2015 on 03.12.2015 are set aside.

Sd/-  
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate I,  
Sankari.

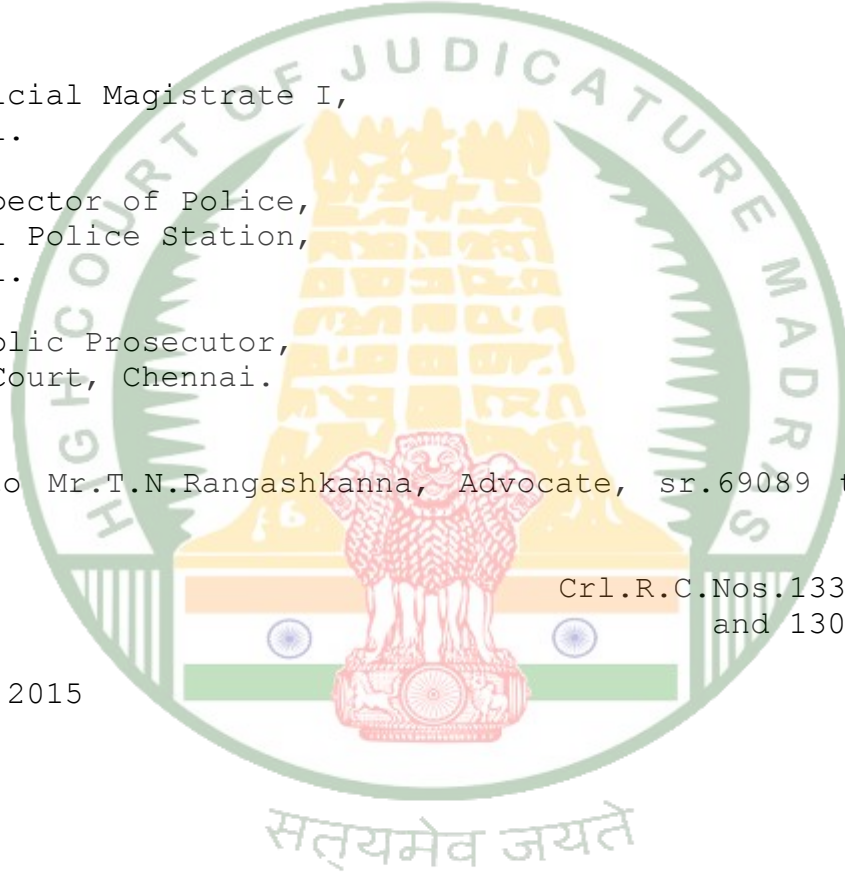
2.The Inspector of Police,  
Sankari Police Station,  
Sankari.

3. The Public Prosecutor,  
High Court, Chennai.

+10 ccs to Mr.T.N.Rangashkanna, Advocate, sr.69089 to 69097,  
69099.

Cr1.R.C.Nos.1339 to 1347  
and 1305 of 2015

kra 22.12.2015



WEB COPY