

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.923 of 2015

and

M.P.Nos.1 & 2 of 2015

Blue Cross of India

represented by

Chief Executive Officer,

Shankar Rajhan

.. Petitioner/Custodian

vs.

1.Syed Ahmed

S/o.Meeran Mohamed

...1st Respondent/Petitioner

2.State represented by

The Inspector of Police,

H6 - R.K.Nagar Police Station,

Chennai.

Crime No.1048 of 2015

...2nd Respondent/Respondent

Criminal Revision filed under section 397 and 401 Cr.P.C. against the order of learned XV Metropolitan Magistrate, George Town, Chennai, passed in C.M.P.No.3014 of 2015 in Crime No.1048 of 2015 on 11.08.2015.

For Petitioner : Mr.G.Balasubramanian

For Respondents: Mr.J.Srinivasan [R1]

Mr.C.Iyyapparaj,

Government Advocate [Crl.side] [R2]

सत्यमेव जयते

O R D E R

Heard learned counsel for petitioner, learned counsel for first respondent and learned Government Advocate [Crl.side] for second respondent. By consent of either side, the main Criminal Revision is taken up for final disposal.

2. Petitioner is the Blue Cross of India, a Society registered under the Societies Registration Act, 1860. This revision has been moved against an order of learned XV Metropolitan Magistrate, George Town, Chennai, passed in C.M.P.No.3014 of 2015 in Crime No.1048 of 2015 on 11.08.2015, directing custody of an animal, a ram, in the hands of its owner pursuant to C.M.P.No.3014 of 2015 moved by him. Petitioner has sought to invoke Section 29 of the Prevention of Cruelty to Animals Act, 1960. It also has been contended that placing the animal in the hands of first respondent/owner would lead to repetition of wrong of meting out ill-treatment and harm to the animal.

3. Section 29 of the Prevention of Cruelty to Animals Act, 1960, comes into play only consequent to conviction. In the instant case, the case registered in Crime No.1048 of 2015 on the file of second respondent is still under investigation. The apprehensions of petitioner can well be taken care of by imposing reasonable conditions towards safeguarding the animal.

4. Accordingly, while dismissing this revision, this Court would modify the order passed by learned XV Metropolitan Magistrate, George Town, Chennai, in C.M.P.No.3014 of 2015 in Crime No.1048 of 2015 on 11.08.2015 and impose upon the first respondent/complainant the following conditions:

- (i) The first respondent/owner shall produce the animal viz., ram, before learned XV Metropolitan Magistrate, George Town, Chennai, as and when required.
- (ii) The first respondent/owner shall not use the animal for the so called sport of ram fighting.
- (iii) In the event of death of the animal, the first respondent/owner shall, without any delay whatsoever, file a memo before learned XV Metropolitan Magistrate, George Town, Chennai, informing such fact. Thereupon, it will be open to learned Magistrate to pass such orders including conduct of postmortem towards ascertaining the cause of death of the animal. A copy of the memo shall be forthwith forwarded to petitioner. In the event of any further commission of offence, the matter shall be dealt with in accordance with law.
- (iv) It will be open to petitioner to cause reasonable notice of intent and thereafter, inspect and ascertain the well being of the animal. It is expected that the petitioner fairly will act in the exercise of such right. The petitioner may prefer further complaint if occasion demands.
- (v) The petitioner shall handover the animal to first respondent on or before 25.11.2015.

Consequently, connected miscellaneous petitions are closed.

Post for "reporting compliance" on 26.11.2015.

Sd/-
Assistant Registrar(CS-III)

True Copy

Sub Assistant Registrar

To

1.The XV Metropolitan Magistrate,
George Town,
Chennai.

2.The Inspector of Police,
H6 - R.K.Nagar Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

Copy to:

The Section Officer,
Criminal Section,
High Court Madras. (for posting Purpose)

+1cc to M/S.Poovayya and Co., Advocate Sr.62752
+2 cc to Mr.J.Srinivasan, Advocate sr.62636

सत्यमेव जयते

Cr1.R.C.No.923 of 2015

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srg 23/11/2015

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