

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2408 OF 2015

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ORDER:

The petitioner filed the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the order dated 23.09.2015 passed in CrI.M.P. No.3057 of 2015 in Crime No.177 of 2015 by the Additional Judicial Magistrate of First Class, Tuni, East Godavari District.

Heard and perused the material available on record.

While the petitioner was transporting the buffaloes (17 nos.) in a van, from the Market to his dairy farm, the Police, Tuni Rural PS., seized them on the ground that the petitioner violated the provisions of Section 11 (1),(a),(d),(e),(h) of the Prevention of cruelty to Animals Act. When petitioner approached the Court below with the impugned application seeking release of buffaloes seized in the above crime, the learned Magistrate dismissed the same vide impugned order.

Learned Counsel for the petitioner submitted that the petitioner is the owner of the said buffaloes and he purchased them for the purpose of his dairy farm and while he was transporting them, the police seized them and registered the above crime. He further submitted that after seizure of the buffaloes, one she-buffallow died and that the petitioner is ready to furnish surety for release of the said animals and he is also ready to produce the same as and when directed by the Court.

The allegation against the petitioner is that he was transporting 17 buffaloes in a DCM Van by tying their legs and horns, which is contrary to the rules. Considering the facts and circumstances of the case, this Court is of the view that return of the buffaloes to the petitioner would not cause any prejudice to the trial of the case and, hence, this Court is inclined to pass the following order:

The petitioner is directed to file an affidavit before the Court below informing that he will transport the buffaloes strictly in accordance with the provisions of Section 11 (1),(a),(d),(e),(h) of Prevention of cruelty to Animals Act. On filing of such affidavit, the Court below is directed to release the buffaloes (16 nos.) to the petitioner for his interim custody on petitioner executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety to the satisfaction of the Court below.

With the above directions, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

November 02, 2015

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