

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No.175 of 2015

ORDER:

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The present application is filed under Section 397 and 401 of Cr.P.C. aggrieved by the order dated 13-10-2014 passed in CrI.M.P.No.1879 of 2014 on the file of Judicial Magistrate of First Class, Penukonda, wherein and whereunder an application seeking interim custody of 20 buffaloes was rejected.

The facts in brief are as under:

The Sub-Inspector of Police, Penukonda while conducting vehicle checking at R.T.O.Check post on N.H.44 Bangalore-Hyderabad in the presence of mediators, found a lorry bearing No.KL 50 8175 driven by A-1 at high speed on seeing them. On that, the SI of police stopped the lorry and on questioning, he alleged to have stated that on the instructions of A-2, he was transporting 20 buffaloes from the market yard, at Narsingi, Ranga Reddy District to the market yard of Polachi of Tamil Nadu State without purchase bills. Basing on these allegations, a case in Cr.No.154 of 2014 of Penukonda Police for the offences punishable under Sections 428, 429 IPC, Sections 11(a)(b)(c)(d)(e)(f) of Prevention of Cruelty of Animals Act, 1960, Section 47(a) to 56(f) of Cattle Transporting Rule, 1978 and A.P.Cow Slaughtering and Animals Prevention Act, 1977 and under Sections 5,6,10 and 11 of M.V.Act., came to be registered against the petitioner and third respondent herein.

Pending investigation, the petitioner herein filed an application seeking interim custody of the buffaloes, which was rejected. Challenging the same, the present revision is filed.

Learned counsel for the petitioner submits that the petitioner is the owner of the cattle, and since there are no rival claimants, he seeks interim custody of the

same. He further submits that there is no material to show that these cattle is being transported to slaughter house. He further submits that out of 20 cattle, which were seized, two died in the Goshalas as the same are not maintained properly.

Learned Public Prosecutor opposed the application.

A perusal of the averments in the report does not anywhere indicate that the petitioner was transporting the same to a slaughter house. He placed on record a certificate issued showing compliance of Rule 47 of the Transport of Animal Rules, 1978. In view of the representation made that two of the buffaloes out of 20 cattle, which were seized and kept in Goshala died due to improper care, the request of the petitioner can be considered.

Accordingly, the Criminal Revision case is allowed and the property i.e., 18 cattle seized in Cr.No.154 of 2014 of Penukonda Police shall be given interim custody to the petitioner herein on such terms as the trial court deems fit and proper.

Miscellaneous petitions, if any, pending in this revision, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20-04-2015

nvl

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2222 of 2014

21-11-2014

nvl

The present application is filed under Section 389(1) Cr.P.C. in this Criminal Revision Case which is directed against the order dated 31-10-2014 passed in CrI.M.P.No.2645 of 2014 on the file of Judicial Magistrate of First Class, Achampet, filed under Section 451 Cr.P.C. seeking return of three tractors bearing registration Nos TS 06EA 2889, AP 22D 7236 and AP 22 S 2100.

