

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.24154 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in seizing the petitioner's DCM vehicle bearing Registration No.AP 29V 8792, by way of seizure panchanama dt. 20.07.2015 as illegal and arbitrary and consequently direct the respondents to release the DCM vehicle bearing registration No. AP 29V 8792 in favour of the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 11.08.2015 furnished by the Woman Sub Inspector of Police, Choutuppal Police Station, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“On 19.7.2015 at 1730 hrs while the Woman Sub Inspector of Police, Choutuppal Police Station along with the staff conducting vehicle checking at Toll Plaza, Panthagi (v) on NH No.65 and intercepted DCM Van bearing No. AP 29 V 8792 which was transporting cows and calf towards Hyderabad for the purpose of slaughtering illegally and not having any valid documents. In the presence of mediators, the Woman Sub Inspector of Police seized the same along with the vehicle and brought them to the police station on the same day at 1900 hrs and registered a suo-motto case vide Cr.No.201/2015 U/secs.5,6,9,10 r/w 11 of APPCSAPA Act on 19.7.2015 and taken up the investigation.

During the course of investigation, the investigating officer examined the witnesses and recorded their detailed statements. Sent the 19 cows and

10 calves to the SAMYOG Organization, Goshala, Challuru, Rajapet Mandal of Nalgonda District for care and treatment under proper acknowledgement. On 23.7.2015 the accused Mr.Nenavath Madhu-driver of DCM (petitioner herein) was arrested and released him on bail.

The investigation clearly disclosed that on 19.7.2015 at 17.30 p.m the accused-petitioner is transporting the 19 cows and 10 calves in the DCM van bearing No. AP 29 V 8792 to the slaughter at Hyderabad, the cows have been tied up very badly and cruelty on animals in the DCM and most of them are bleeding and are in serious condition, they were badly tied up with rope and were lying one on the other because of which the injuries were happened. While performing the vehicle checking at Toll Plaza at Pantangi village on NH No.65 on interception of the DCM found the accused is transporting the cows and calves illegally to the slaughter at Hyderabad. Thus, there is clinching evidence that the accused-petitioner has committed the offences punishable U/secs.5, 6, 10 r/w 11 of APPCSAP Act. The investigation was completed. Appropriate charge sheet was also filed before the Hon'ble Court of Judl.First Class Magistrate at Ramannapet on 27.7.2015. The same is yet to be taken on file by the Hon'ble Court. The seized vehicle was also deposited before the Hon'ble Court on 27.7.2015.

It is always open for the petitioner to make an application before the concerned Hon'ble Court for release of the subject vehicle. The action of the respondent in registering the suo-moto case and proceeding with the investigation of the case and filing of charge sheet against the petitioner-accused is in accordance with law.”

3. Since the subject vehicle is already deposited before the court of Judicial First Magistrate at Ramannapet on 27.07.2015, it is open for the petitioner herein to make necessary application under Section 451 of Criminal Procedure Code seeking custody.
4. For the aforesaid reasons, writ petition is disposed of, keeping it open for the petitioner herein to make necessary application, as per

the provisions of Section 451 of Criminal Procedure Code for custody of the subject vehicle, before the Hon'ble Judicial First Class Magistrate at Ramannapet.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

17th August, 2015

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