



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

CRL.RC (MD) No.323 of 2016

Malaiarasan

..Petitioner/Petitioner/A5/
Owner of Property

-vs-

Sub Inspector of Police
Devakottai Taluk Police Station
Devakottai, Sivagangai District

..Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to call for the records and to set aside the order passed by the learned Judicial Magistrate, Devakottai, in Cr.M.P.No.964 of 2016 in Crime No.54 of 2016, dated 01.04.2016 in so far as refusing to handover the two oxen to the petitioner herein.

For Petitioner: Mr.A.V.Arun

For Respondent: Mrs.S.Prabha

Govt.Advocate (Crl.Side)

O R D E R

In this revision, partial allowing of a property return petition is being challenged by the property owner.

2. In this part of the State, more particularly in Sivagangai District, Bull Race has become famous. It has also become famous for various legal battles that went upto the Hon'ble Supreme Court. Now, life of two oxen are involved in this case. Devakottai Taluk Police registered the case against the revision petitioner also as he is alleged to have inhumanly treated and harassed the oxen. As part of investigation, the Rekla Race Cart and two oxen were seized.

3. The revision petitioner moved the learned Judicial Magistrate, Devakottai, filing Cr.M.P.No.964 of 2016 for return of case properties to him.

4. The learned Magistrate, by his Order dated 01.04.2016, ordered interim custody of the Cart alone and refused interim custody of the oxen.

5. It has been submitted by the learned counsel for the revision petitioner that there is no allegation that the oxen were taken for meat purpose. They were not inhumanly treated. The petitioner undertakes to take care of them.



6. The learned Government Advocate (Criminal Side) submitted that the accused have inhumanly treated the animals. They are voiceless-being.

7. I have anxiously considered the rival submissions, perused the impugned order and also gone through the materials on record.

8. Maiming, injuring, ill-treating, harassing human being is serious. But, more serious is such ill-treatment to cattle and animals. But, it would be very serious, if they were bundled in a vehicle and taken to slaughter-houses.

9. It is submitted by the learned counsel for the petitioner that generally the rural people take more care for the health and well being bull race oxen. We have no hesitation they will take care of the oxen.

10. Ordered as under:

- i. This criminal revision is allowed.
- ii. The Order, dated 01.04.2016, passed in Cr.M.P.No.964 of 2016, by the learned Judicial Magistrate, Devakottai, is modified to the effect that interim custody of the two oxen shall be given to the revision petitioner.
- iii. The revision petitioner will execute a personal bond for Rs.20,000/- (Rupees twenty thousand only) to the satisfaction of the said Magistrate.
- iv. The said oxen shall be photographed, the signature of the revision petitioner shall be obtained and they shall be kept in the case records.
- v. The revision petitioner shall give an undertaking to the said Magistrate that he will take care of the oxen, feed them properly and he will not harass or ill-treat them.
- vi. Until final order is passed by the said Magistrate, the revision petitioner shall keep the oxen in his custody.
- vii. As and when so ordered by the Court, the revision petitioner shall produce the oxen.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.



To:

1.The Judicial Magistrate,
Devakottai.

2.The Government Advocate (Criminal Side)
Madurai Bench of Madras High Court,
Madurai.

3.The Sub Inspector of Police,
Devakottai Taluk Police Station,
Devakottai, Sivagangai District.

+1cc to M/s.A.V.Arun, Advocate in SR.28448

CRL.RC (MD) No.323 of 2016
07.06.2016

krk

PBK/AAL-MPA 10/06/2016 ::3P-5C::