



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASSC.R.L.RC(MD) No.461 of 2016

WEB COPY

Anandhan

... Petitioner / Petitioner / A6

-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.967 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: Anandan

Party-in-person

For Respondent: Mrs.S.Prabha

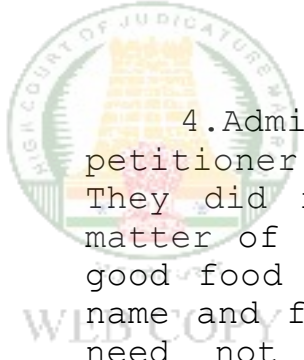
Govt.Advocate (Crl.Side)

O R D E R

Ananthan, father of A4, namely Raja @ Rajaram, aggrieved by a portion of the property return order passed in Cr.M.P.No.967 of 2016, on the file of the learned Judicial Magistrate, Devakottai has directed this revision.

2.On 03.03.2016, on the Thathani - Karur Main Road, it is alleged that Oxen are harassed by certain persons by running Rackla race. The Devakottai Taluk Police registered a case in Crime No.54 of 2016 against 19 persons. One of them is Raja(A4) son of revision petitioner. The police seized Rackla cart and two Oxen from A4. It become case property. A4 filed Cr.M.P.No.967 of 2016 on 01.04.2016 for the return of same. The learned Magistrate, by his Order dated 01.04.2016, ordered interim custody of the Cart alone imposing certain conditions and directed keeping of 2 oxen in a Special Home for the Cattle situate in Manamadurai.

3.Oxen are alive, but not its owner/A4. However, his father, mother and wife are alive. It is stated that they all like the oxen very much. Since A4, the owner of the said movable property is not alive, as per law his mother and wife will be class - I heirs. His father/petitioner wants return of the oxen. He is a Class - II heir. His wife and daughter in law gave no objection certificate to the revision petitioner.



4. Admittedly, there is no allegation that either A4 or petitioner have ever attempted to use the oxen for meat purpose. They did not intent to slaughter them. In this area, it is a matter of common knowledge whether they eat or not they will give good food to Rackla Oxen, so that it shall win the race and get name and fame to the family. They worship the bull as God. There need not be any apprehension that the oxen will be axed. Petitioner loves his oxen like his children. He assures that he will take care of them. He is also ready to abide by any conditions. They have become their pet animal and has also becomes their family members.

5. In the circumstances, ordered as under:

- i. This criminal revision is allowed.
- ii. The Order, dated 01.04.2016, passed in Cr.M.P.No.967 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.3,00,000/- (Rupees three lakhs 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(AE)

/True Copy/

Sub-Assistant Registrar

To:

1. The Judicial Magistrate, Devakottai.
 2. The Sub Inspector of Police,
Devakottai Taluk Police Station,
Devakottai, Sivagangai District.
 3. The Government Advocate (Criminal Side)
Madurai Bench of Madras High Court, Madurai.
- +One cc to Mr.A.V.Arun, Advocate, SR.No.34497