

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2340 OF 2015

ORDER:

1. The petitioner filed the present Criminal Revision Case by invoking the provisions under Sections 397 (1) and 401 of the Code of Criminal Procedure being aggrieved over the order dated 5.10.2015 passed in CrI.M.P. No.580 of 2015 in Crime No.132 of 2015 by the Judicial Magistrate of First Class, Madhira.
2. Heard and perused the material available on record.
3. It is alleged that the accused transported the buffaloes (59 in number) in the lorries to Jaheerabad from Hanuman Junction, to slaughter, without following rules and regulations and without having veterinary doctor certificates and without providing water and grass. On the complaint lodged by one Nelavelli Rama Rao, the police registered a case in Crime No.132 of 2015 for the offence punishable under Sections 11 r/w 38 of Prevention of Cruelty of Animals Act and Sections 5,6,10 r/w 11 of A.P. Prohibition of Cow Slaughter and Animal Preservation Act, 1977 and Rules 47 to 56 of Animals Transport Rules, 1960. The Sub-Inspector of police visited the scene of offence and found 59 buffaloes in possession of A1 to A3 and seized them. When the petitioner-owner of the said buffaloes approached the Court below with the impugned application seeking release of buffaloes seized in the above crime, the learned Magistrate dismissed the same vide the order impugned herein.
4. Learned Counsel for the petitioner submitted that the petitioner is the owner of the said buffaloes and he purchased them for the purpose of selling them at Suryapet market with little margin and while the buffaloes are being transported, the police seized them and registered the above crime. He further submitted that the petitioner is ready to

furnish surety for release of the said buffaloes and he is also ready to produce the same as and when directed by the Court below.

5. 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 of the Prevention of Cruelty of Animals Act. On filing of such affidavit, the Court below is directed to release the buffaloes (59 in number) to the petitioner for his interim custody on condition of the petitioner executing a personal bond for a sum of Rs.3,00,000/- (Rupees Three lakhs only) with one surety for the like sum to the satisfaction of the Court below.”

6. 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

5th January, 2016
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5.01.2016

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