

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.12710 of 2016

ORDER:

This Criminal Petition is filed under Section 482 read with Section 451 Cr.P.C. seeking to quash the order passed in CrI.M.P.No.781 of 2016 in Crime No.333 of 2016, dated 09-08-2016 on the file of the Judicial First Class Magistrate (Special Mobile Court) at Sangareddy, dismissing the petition filed under Section 451 Cr.P.C. to return the (1) 13 OX in DCM bearing No.AP 29 V 5019; (2) 15 OX in DCM bearing No.TS 15 UA 8642 and (3) 16 OX in DCM bearing No.AP 29 V 0033, in total (44) cattle for interim custody to the petitioner.

Heard and perused the material available on record.

The learned Magistrate refused to give interim custody of the said OX to the petitioner on the ground that they were being transported without Medical Certificate and without taking adequate precautions.

The learned counsel for the petitioner relied on the decision of this Court in *Mohammad Shafi Vs. State of A.P.*¹, which is identical to the facts of the case on hand, wherein the learned Single Judge of this Court released the cattle for interim custody in favour of the petitioner therein with certain conditions.

In that view of the matter, the Criminal Petition is disposed of directing the Magistrate concerned to release the subject cattle for interim

¹ 2006(2) ALT (CrI.) 326 (AP)

custody of the petitioner, subject to final orders to be passed in the criminal case in connection with the subject crime, on his executing a personal bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) together with one surety for the like sum to the satisfaction of the trial court. It is further directed that the petitioner shall not alienate the cattle till the disposal of the criminal case and further he shall undertake to produce the cattle as and when required by the Court below.

Miscellaneous petitions filed, if any, shall stand closed.

Date: 28-09-2016

Note : Issue C.C. by tomorrow.
B/O
skmr

JUSTICE M.S.K.JAISWAL

