

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.350 OF 2016

ORDER:

This Criminal Revision Case is preferred challenging the docket order, dated 28.1.2016, in CrI.M.P.No.140 of 2016 in Crime No.2 of 2016 on the file of the Additional Judicial First Class Magistrate, Tuni, whereunder and whereby, the learned Magistrate dismissed the petition filed by the petitioner invoking the provision under Section 457 Cr.P.C. to return sixty three oxen and six cows for interim custody.

2. Learned counsel for the petitioner submits that the petitioner is the owner of the cattle and he purchased them in the shandies for low price and selling them for high price to the agriculturists in and around Hyderabad; that the petitioner will follow the rules and transport the oxen and cows in accordance with the rules framed by the state and prayed for return of the oxen and cows.

3. Learned Additional Public Prosecutor brings to the notice of this Court a Division Bench Judgment of this Court wherein it is held that the Courts should be careful in granting relief for releasing the oxen and cows and hence, opposed to allow this Revision Case

4. Heard and perused the material available on record.

5. The petitioner is the owner of the sixty three oxen and six cows and he is an accused before the trial Court. Admittedly, most of the agriculturists would not maintain the oxen and cows and hence, they want to dispose of the same. The petitioner herein purchased the same with an intention to sell the same in the other districts and states. Meanwhile, the respondent police seized them since they are being transported in one lorry against the rules framed by the State.

6. Considering the facts and circumstances of the case, it is directed that the sixty three oxen and six cows shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of the criminal case, on his executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum. It is further directed that the petitioner shall not alienate the said oxen and cows till the disposal of the criminal case and further, he shall undertake to produce the said oxen and cows as and when required by the Court. It is further directed that the petitioner shall transport the same in accordance with the rules framed under the Transport of Animals Rules, 1978. However, it is made clear that the present order will not stand in the way of any confiscation proceedings, if any.

7. Accordingly, the Criminal Revision Case is allowed.

8. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

10.6.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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