



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE B.GOKULDAS

Crl.R.C.(MD).No.115 of 2017

Velmurugan .. Petitioner/Petitioner

Vs.

The State rep by
The Inspector of Police
Musiri Police Station,
Trichy District
(Crime No.364/2016) .. Respondent/Complainant

Prayer:- Criminal Revision petition is filed under Section 397 r/w Section 401 of Cr.P.C. to set aside the order, dated 07.09.2016 made in C.M.P.No.4119 of 2016 on the file of Judicial Magistrate, Musiri, Trichy District and allow the above revision petition.

For Petitioner :Mr.B.Jameel Arasu
For Respondent :Mrs.S.Prabha (crl.Side)
Government Advocate

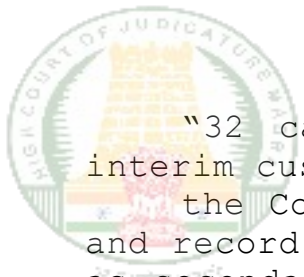
ORDER

The Criminal Revision case is filed to set aside the order, dated 07.09.2016 made in C.M.P.No.4119 of 2016 on the file of learned Judicial Magistrate, Musiri, Trichy District

2. Respondent has seized 32 cattle (19 cows, 9 buffaloes and 4 oaks) belonging to the petitioner in connection the case registered in Crime No.364/2016 for offences under Sections 11(1) (d) of Prevention of Cruelty to Animals Act 1960 and Rule 96 of Transport of Animal Rules 1978 and u/s 429 of IPC. The petitioner has moved C.M.P.No.4119 of 2016 on the file of the learned Judicial Magistrate, Musiri, Trichy District, seeking return of cattle. Such petition came to be dismissed under order dated 07.09.2016 and hence this revision.

3. Heard the learned counsel for petitioner and learned Government Advocate (Crl.Side).

<https://hcservices.courts.gov.in/hcservices> Considering the submissions made on either side, this Court directs as follows:-



"32 cattle belonging to petitioner shall be placed in his interim custody after complying with the following:

the Court below shall cause photographs of cattle to be taken and record panchanama thereof, the photographs taken shall be read as secondary evidence during trial and production of cattle shall be dispensed with.

5. This Court is conscious that u/s.29 of Prevention of Cruelty to Animals Act, 1960, the Court, upon conviction may direct forfeiture of Animals in respect of which offences stand committed. This Court records the submission of learned counsel for petitioner that the petitioner will cause the animals to be produced before the Trial Court if so directed. This Court directs the Investigating Officer to file the charge sheet within a period of one month from the date of receipt of a copy of this order. In the event of trial, the Trial Court shall dispose of the case within a period of four months from the date of filing of charge sheet.

6. In the result, the criminal revision is allowed. The order of learned Judicial Magistrate, Musiri, Trichy District in C.M.P.No.4119 of 2016 is set aside.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.THE JUDICIAL MAGISTRATE, MUSIRI, TRICHY.

2.THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TRICHY DISTRICT

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1cc to Mr.B.Jameel Arasu, Advocate SR.No.9975

jikr

SM:CM-MSA:01.03.2017:2p/5c

CrI.R.C. (MD) .No.115 of 2017
22.02.2017