



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD).No.178 of 2016

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K.Raja

...Petitioner/Owner of the vehicle

-Vs-

1.State through,

The Sub Inspector of Police,
Kumuli Police Station,

in Crime No.9/2016 u/s.11(a)(d)(f)(h)

prevention of Cruelty of Animal Act, 1960

and 192 of M.V.Act

... Respondent/Complainant

2.Sunitha,

Peoples for Animals,

Srinivasa Nagar,

Shanthi Gardens North,

Sathiyapuram,

Virudhunagar District.

... Respondent/Intervenor

Prayer : Criminal Revision Case filed under Section 397 r/w 402 of the Code of Criminal Procedure, against the order of the Judicial Magistrate, Uthamapalayam in Cr.M.P.No.1030 of 2016, dated 12.02.2016.

For Petitioner : Mr.H.Thayumanaswamy

For 1st Respondent : Mr.C.Mayilvahana Rajendran,
Additional Public ProsecutorFor 2nd Respondent : Mr.T.Antony Arul Raj**ORDER**

Challenging the order dated 12.02.2016 dismissing the petitioner's petition in Cr.M.P.No.1030 of 2016 filed under Section 451 Cr.P.C seeking return of 24 bullocks, the present revision has been filed.

2.The case of the petitioner is that the petitioner claims to be the owner of the 24 bullocks and the above bullocks were said to have been transported to Kerala for the purpose of slaughtering and the respondent police seized the said bullocks along with vehicle on 02.02.2016. A criminal case has been registered by the respondent police against one Paulpandi, who claims to be the owner of the bullocks and also driver of the lorry, and the seized bullocks were sent to the custody of a



Gosala for safe interim custody. Now the petitioner claiming to be the owner of the animals filed a petition before the Trial Court seeking return of the 24 bullocks and the same was dismissed by the Trial Court. Challenging the said order, this revision has been filed.

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3. Heard Mr.H.Thayumanaswamy learned counsel appearing for the petitioner, Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor, appearing for the first respondent, Mr.T.Antony Arul Raj, learned counsel appearing for the second respondent/intervenor and also perused the records carefully.

4.The learned counsel for the petitioner submitted that he is the owner of the bullocks and the bullocks have been transported from his farm to another farm house for the purpose of getting natural manure for his agricultural land, which is situated at Kerala. At that time, the respondent seized the bullocks as if the bullocks were transported for the purpose of slaughtering to the slaughter house at Kerala. The person, who is shown as accused in the F.I.R, namely, Paulpandi is not the owner of the bullocks, he is only his employee. Now the bullocks are handed over to Gosala, claiming as the owner of the bullocks the petitioner has sought for return of the bullocks.

5.On perusal of the record, it is seen that one Paulpandi, who also claim to be a owner of the bullocks is arrayed as an accused in this case, but now the petitioner claiming as the owner of the animals, filed the present petition, as there is a dispute regarding the ownership of the animals without deciding the ownership, the animals cannot be handed over to the petitioner at this stage.

6.The learned counsel appearing for the first respondent submitted that the investigation is over, F.I.R is also filed before the Judicial Magistrate, Uthamapalayam on 20.12.2016 and final report has been laid and the same was returned. In the above circumstances, the first respondent police is directed to represent the final report before the Judicial Magistrate, Uthamapalayam immediately and the petitioner is given liberty to renew the petition, if so advised, after completion of the trial.

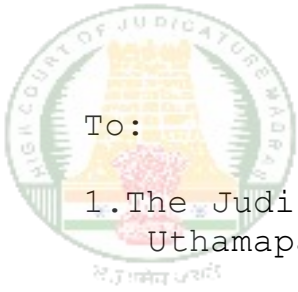
7.Accordingly, this Criminal Revision Case is dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar



To:

1.The Judicial Magistrate,
Uthamapalayam.

2.The Sub Inspector of Police,
Kumuli Police Station.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.H.THAYUMANASAMY, Advocate, SR.73720

Cr1.R.C (MD) .No.178 of 2016
21.08.2017

MSA/VSG

KK/SKN RSK/SAR 1/12.09.2017/ 3P- 5C