

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.820 of 2017

ORDER :

Aggrieved by the order dated 30.03.2016 in CrI.MP.No.19 of 2016 in Crime No.20 of 2016 passed by the Judicial First Class Magistrate, Prathipadu, this revision is filed by the petitioner/ A3/ owner.

2. Heard both sides and perused the impugned order and other material on record.
3. The petitioner sought for interim custody of the goods carriage bearing No.TS 12 UA 2009 involved in the offences covered by the Prevention of Cruelty to Animal Act, 1960 and Transport of Animals Rules, 1978 from clandestinely transporting animals, without taking proper safety measures against the Rules and the learned Magistrate dismissed the same.
4. No doubt, as held by the Apex Court in *Sunderbhai Ambalal v. State of Gujarat*¹, the vehicle unless used and kept idle not only the tyres being damaged but also the engine and other spare parts mainly of iron made must be rusted and ultimately become junk by dis-use.
5. Having regard to the above, without prejudice to the proceedings under the Act and if at all even also in the criminal proceedings from the charge sheet filed and cognizance taken for the offences by the learned Magistrate concerned from trial, to pass

¹ (2002) 10 SCC 290

appropriate property disposal order, it is just to permit for interim custody of the goods carriage bearing No.TS 12 UA 2009 to the petitioner, subject to execution of self-bond with undertaking of maintain as it is in condition and produce as and when required and not to transfer or alienate in any manner, by intimating the same by the learned Magistrate to the R.T.A. Authorities concerned, not to effect any transfer and on furnishing of immovable property security or bank guarantee or cash deposit worth Rs.4,00,000/- (Rupees Four lakhs only) for keeping the interim custody by maintaining the vehicle in same condition of use and to produce and to abide by the ultimate property order.

6. Accordingly, the Criminal Revision Case is allowed.
7. Miscellaneous petitions, pending if any, shall stand closed.

Date:07-04-2017
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Dr. B. SIVA SANKARA RAO, J

