

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3050 OF 2017

JUDGMENT:

The present Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is directed against the order dated 04.09.2017, passed by the learned Judicial Magistrate of first class, Jadcherla, in Criminal M.P. No.2080 of 2017 in Crime No.269 of 2017.

2. By the aforesaid order, the learned Magistrate, refused to give interim custody of six (6) cows and five (5) calves and dismissed the application. In doing so, the learned Magistrate placed reliance in **State of Uttar Pradesh v. Musta Keem** [Criminal Appeal No.287 of 2002 dated 22.02.2002] of the Hon'ble Supreme Court, and held that whether the petitioner has purchased the animals for his dairy business or not can be ascertained only after trial and thereby dismissed the application.

3. Heard Sri I. Koti Reddy, learned counsel for the revision petitioner, and the learned Additional Public Prosecutor for the State of Telangana State, and perused the material on record.

4. The learned counsel for the revision petitioner mainly relies on the certificate said to have issued by the Sarpanch, Bhoothpur Gram Panchayat, and yet another certificate dated 14.08.2017, on which date, they were seized. It clearly shows that one K. Mahesh

and T. Anand sold the cattle. The description given therein which is none disputed, but pertinent fact being that under the relevant column relating to 'purchasers name and the other details', they were left blank in both the certificates which are photostat copies. The learned counsel, in fact, sought to derive the probability based on the case registered against him by the police indicating that unless he is owner of the cattle, there is no need for the police to arraign him as accused.

5. A perusal of the complaint averments would show that since the revision petitioner was transporting the cattle towards Hyderabad in Tata Ace Trolley from Bhoothpur side towards Hyderabad, and at Macharam village limits, the complainant and others found that the cattle were found transporting in the vehicles cruelly and in fact, dumped them into the vehicle though, there was no enough space and even causing cruelty taking them towards Hyderabad side at 11.20 a.m., and they stopped and found the cattle, description of which is given in the above, and lodged the complaint. It is thus, clear that there is no indication in the complaint that the revision petitioner is owner or otherwise, but, he is stamped as a transporter. These are all the issues, which are to be probed into and unless full-fledged trial takes place, as rightly observed by the learned Magistrate, it cannot be concluded that the revision petitioner is owner of the cattle and that he has really purchased them on 14.08.2017 and was taking them towards his village, but not transporting them to Hyderabad. Thus,

there is absolutely no infirmity in the order under challenge warranting interference.

6. Therefore, the Criminal Revision Case is dismissed, at the admission stage itself, confirming the order under challenge.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision stand dismissed.

A. SHANKAR NARAYANA, J

November 29, 2017.

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