

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 28.04.2018]

[Pronounced on : 23.08.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.Nos.394 to 397 of 2018
and
Crl.M.P.Nos.4817 to 4820 of 2018

G. Mahaboob Khan ..Petitioner in Crl.R.C.No.394 of 2018
G. Fayaz .. Petitioner in Crl.R.C.No.395 of 2018
Y. Ajaz Ahamed .. Petitioner in Crl.R.C.No.396 of 2018
S. Kirubanandhan .. Petitioner in Crl.R.C. No.397 of 2018

Vs.

1. State Rep by its,
Inspector of Police,
Arambakkam Police Station
Thiruvallur District.
(Crime No.526/2017)
2. J. Karthick Respondents in all Crl.R.Cs./
Respondents Intervener

Prayer in all Crl.R.Cs.: Criminal Revision Cases filed under Sections 397 and 401 of the Code of Criminal Procedure, against the order of dismissal dated 05.02.2018 passed by the learned Judicial Magistrate No.1, Ponneri, in Crl.M.P.Nos.3286 & 3289, 3287 & 3294, 3288 & 3291 and 3285 and 3290 of 2017 respectively in Crime No.526 of 2017.

For Petitioners
in all Crl.R.Cs. : Mr. M. Murugesan
For R-1 in all Crl.R.Cs. : Mr. T. Shanmuga Rajeswaran,
Government Advocate
For R-2 in all Crl.R.Cs. : Mr. R.Ganesh Kumar

COMMON ORDER

In view of the fact that all the cases are similar in nature, all are taken up together, common argument was heard and common order was passed.

2. The above criminal revision cases are filed against the order of dismissal dated 05.02.2018 passed by the learned Judicial Magistrate No.1, Ponneri, in CrI.M.P.Nos.3286 & 3289, 3287 & 3294, 3288 & 3291 and 3285 and 3290 of 2017 respectively in Crime No.526 of 2017 on the file of the first respondent police.

3. The above miscellaneous petitions in CrI.M.P.Nos.3286 & 3289, 3287 & 3294, 3288 & 3291 and 3285 and 3290 of 2017 respectively were filed by the revision petitioners herein before the trial Court for interim custody of 15, 11, 13 and 18 Bulls, which are presently kept in the custody of Sri Krishna Goshala at Devadhanavakkam Village, Thiruvallure District and the said petitions were dismissed by the learned Judicial Magistrate No.1, Ponneri, and as against the said dismissal order, the present criminal revision cases are filed before this Court.

4. The common ground in all the revision cases is that the revision petitioners herein have purchased the respective number of Bulls from Andhra Pradesh Agricultural Market Committee, Narasarapet, Guntur, and transported the same through the Lorry bearing Registration Nos.AP-13-U-0768, AP-13-U-0768, AP-07-TA-9909 and AP-13-U-0768 respectively for agricultural purpose. However, due to the mistake committed by the Lorry driver that in one Lorry, more number of Bulls have been tied together and they were packed in violation of the Transport of Animal Rules and as the Bulls were kept jam-packed with a rope fastened through their nose and they have been dumped in the Lorry, since there was no space for them to even move around, the Bulls were found to be suffocating and had abrasive injuries all over the body, and as a consequence of the same, they were found to be dehydrated and hence, the first respondent police has registered a case in Crime No.526 of 2017 for the alleged offences under Sections 428 and 429 of IPC r/w 11 (a) (b) (d) (e) (h) of Prevention of Animals Cruelty Act, 1960.

5. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the first respondent State and also the learned counsel appearing for the second respondent and perused the records.

6. On behalf of the petitioners in all cases, it is submitted by the learned counsel for the petitioners that the same petitioners have also filed similar applications in earlier point of time and this Court, by an order dated 28.03.2018 in CrI.R.C.Nos.1082 to 1087 of 2017, has ordered for return of the cattle.

7. Learned Government Advocate appearing for the first respondent State has produced a common counter affidavit filed by the Inspector of Police, Arambakkam Circle, Tiruvallur District, wherein, it is stated that during the vehicle check

up by the police team, they found that there are two lorries came towards Chennai from Andhra Pradesh overloading the country Bulls. Learned Government also relied on a decision of this Court reported in 2002 (1) CTC 627 [Prema Veeraraghavan Vs. State by the Inspector of Police, K-10 Koyambedu Police Station, Chennai, and another] and also a judgment of the Madurai Bench of this Court in Crl.R.C.(MD) No.8 of 2016, dated 07.06.2016 [Mani Vs. The Sub Inspector of Police, Eraniel police station and another] and submitted that the interim custody of the Bulls should not be given, when there are allegations made in the FIR that the accused had taken them for slaughtering.

8. Furthermore, it is also an admitted case that on the earlier point of time, the revision petitioners herein have filed Crl.R.C.Nos.1082 to 1087 of 2017 wherein, custody of the cattle was given to them. It remains to be stated that as against the order passed by this Court dated 28.03.2018 in Crl.R.C.Nos.1082 to 1087 of 2017, ordering return of the cattle to the petitioners, Special Leave Petition was filed by the second respondent herein before the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) Nos.4960-4965/2018 and stay has been granted. However, after going through the case records and also the order passed by the learned Judicial Magistrate No.I, Ponneri, it appears that in view of the specific allegations made in the FIR that the petitioners herein have taken the country Bulls in violation of the Transport of Animal Rules and also in view of the judgment of the Madurai Bench of this Court in Crl.R.C.(MD) No.8 of 2016, dated 07.06.2016 [Mani Vs. The Sub Inspector of Police, Eraniel police station and another], I am not inclined to grant interim custody of the Bulls to the petitioners which are now under the custody of the second respondent herein. In view of the same, the above criminal revision cases are liable to be dismissed.

9. In the result, all the Criminal Revision Cases are dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(co)

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Sub Assistant Registrar

Jr1

To

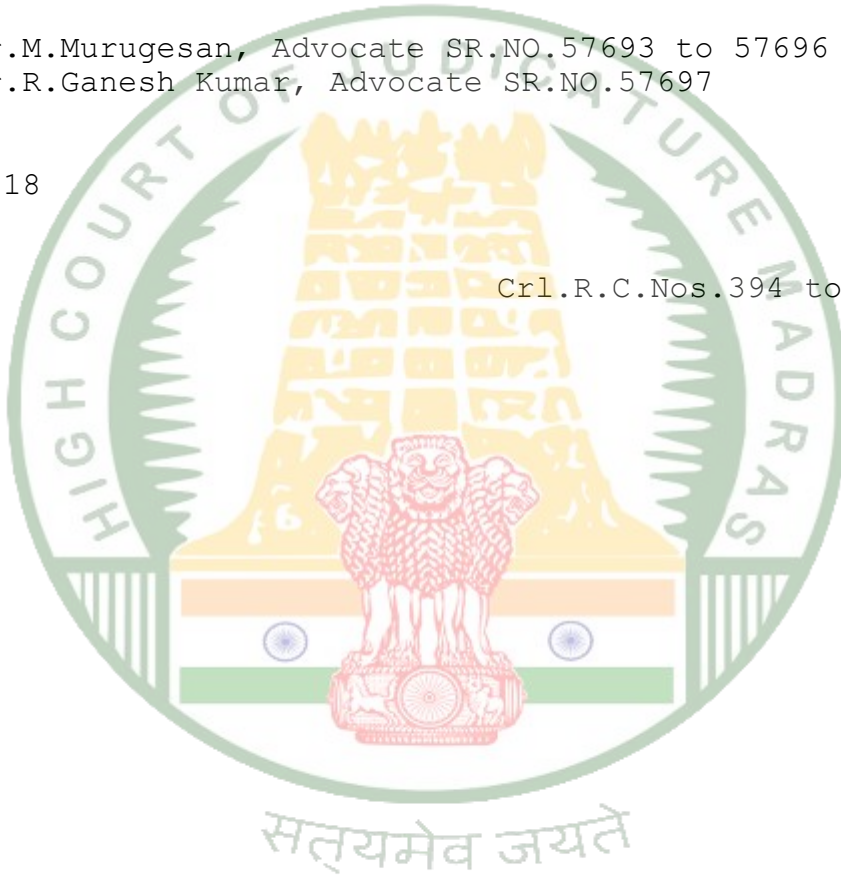
1. The Judicial Magistrate No.1,
Ponneri.
2. The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.

+4cc to Mr.M.Murugesan, Advocate SR.NO.57693 to 57696

+2cc to Mr.R.Ganesh Kumar, Advocate SR.NO.57697

VGII(CO)
sm:11.9.2018

Order in
Crl.R.C.Nos.394 to 397/2018



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