



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl.RC.(MD)No.738 of 2013

and

M.P.(MD).No.1 of 2013

Dr.G.Prema, BVSc : Petitioner/3rd party /Defacto
Complainant

Vs.

1. State represented by
The Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District. : 1st Respondent/Respondent/Complainant

2.Mayanan : 2nd Respondent/Petitioner/Accused

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of Criminal Procedure Code to call for the records relating to the order dated 09.10.2013 made in Cr.M.P.No.8196 of 2013 on the file of the learned Judicial Magistrate, Kuzhithurai and set aside the same.

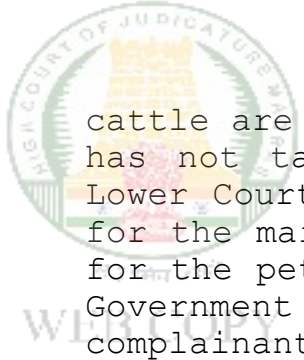
For Appellant : Mr.T.Antony Arul Raj
For R1 : Mr.K.Suyambulinga Bharathi
For R2 : No Appearance

JUDGMENT

The petitioner lodged a complaint against the second respondent for cruelty against the animals under the Provisions of Cruelty to Animals Act, 1960. The learned Judicial Magistrate, No.1, Kuzhithurai, passed an order for interim custody of the cattle to the second respondent on certain conditions. Aggrieved by the order, the petitioner lodged a complaint in Crime No.546 of 2013.

2.On the side of the petitioner, it is stated that the accused is not entitled for the custody of the cattle. No documents are filed by the second respondent. The petitioner is the Government Veterinary Doctor in Kanyakumari District. It is further represented that if the cattle were handed over to the second respondent, they may be sent to slaughter house.

3.On the side of the first respondent, it is stated that the



cattle are now in the custody of the trust and the second respondent has not taken the custody so far. It is further stated that the Lower Court has imposed so many conditions to the second respondent for the maintenance of the cattle and as such there is no necessity for the petitioner to file this petition. The petitioner is only a Government Veterinary Surgeon. The petitioner is the defacto complainant, who lodged a complaint in Crime No.546 of 2013, which was registered by the first respondent, however she has not come forward to maintain the cattle. She has chosen to hand over the cattle to the second respondent. The Lower Court has imposed so many conditions upon the second respondent.

4. Under such circumstances, the cattle are now in the custody of the Trust. The petitioner is not the owner of the cattle. The maintenance of the cattle is to be considered before passing order. Being livestock they need food and water. The petitioner has not come forward to maintain the cattle. Hence, for the welfare of the cattle, the order passed by the Judicial Magistrate No.1, Kuzhithurai, is to be confirmed and there is no necessity to modify the order of the Lower Court.

5. The Criminal Revision Petition stands dismissed, confirming the order of the learned Judicial Magistrate No.1, Kuzhithurai, dated 09.10.2013 made in Cr.M.P.No.8196 of 2013. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Kuzhithurai.
2. The Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.T.ANTONY ARUL RAJ, ADVOCATE IN SR No. 60367

TSG

TE/JC/SAR-4 : 24/04/2018 : 2P/5C

Judgment made in
Cr1.RC.(MD) No.738 of 2013
Dated:-06.04.2018