

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.2016 of 2018

ORDER:

Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent State.

The present revision case is filed questioning the orders in CrI.M.P.No.671 of 2018 in Crime No.93 of 2018 dated 17.07.2018 on the file of the Additional Judicial Magistrate of First Class, Sangareddy, to the extent of directing the petitioner to execute a surety bond for Rs.2,00,000/- for releasing the camels in its favour.

The facts in brief are that the petitioner society is a voluntary organization registered under the Prevention of Cruelty of Animals (Establishment and Regulation of Societies for Prevention of Cruelty of Animals) Rules, 2001. The main object of the society is to protect the dumb animals and birds. At the instance of one Sri T.N. Chandrani, who is a Member of People for Animals, a crime was registered vide FIR.No.93 of 2018 on 03.06.2018 for the offence under Section 429 IPC and Section 11 (a) to (f) of the Prevention of Cruelty of Animals Act, 1960. As per the crime registered, 15 camels, out of which 3 camels are female, are stuffed into a completely covered lorry bearing No.HR 74 A 9096 and they were being illegally transported to Hyderabad for being slaughtered. The origin of loading of the said camels is the State of Rajasthan, where the Rajasthan Camel (Prohibition of Slaughter and Regulation of Temporary Migration or Export), Act, 2015 is in vogue and therefore, the very transportation of the said camels is in violation

of the provisions of the said Act. In view of the seizure of the above said lorry along with the camels, since the 1st respondent does not have any shelter to protect the said camels, they have given custody of the same to the petitioner herein, who, in turn, will take care of the said animals and as early as possible they will be transported to their original place of origin. Since, a crime has been registered and the matter has already been seized of by the learned Additional Judicial Magistrate of First Class, Sangareddy, the petitioner filed Crl.M.P.No.671 of 2018 in Crime No.93 of 2018 seeking interim custody of the subject animals enabling them to transport/send the said animals to the State of Rajasthan. The learned Magistrate, after hearing, was pleased to allow the petition by orders dated 17.07.2018. However, while directing release of camels in favour of the petitioner organization, further direction is given to the petitioner to execute a surety bond for Rs.2,00,000/-. Aggrieved by the said order to the extent of execution of surety bond for Rs.2,00,000/-, the present revision case is filed.

Learned counsel appearing for the petitioner would submit that the petitioner is a voluntary organization registered to protect the dumb animals and birds. The main object of the society is to save the animals. In pursuance of the said object, the petitioner's society, as of now, has already transported about 300 camels to the State of Rajasthan. On registration of the above said Crime and after coming to know about the seizure of the said animals, as usual, the petitioner society filed Crl.M.P.No.671 of 2018 seeking confirmation of interim custody of the animals seized and

consequently transporting the same to the State of Rajasthan. In the process of taking custody of the said animals and transporting the same, the petitioner society is not being benefited in any manner except to save the animals. In such circumstances, directing the petitioner society to execute a surety bond for a sum of Rs.2,00,000/- is onerous and it will become a precedent in future for the petitioner society. When the petitioner society is doing the said work on charitable basis, more particularly, to save the animals, they cannot be saddled with execution of a surety bond. Learned counsel also submitted that if the petitioner society is asked to execute the surety bond, in future no other organization will come forward to take up the responsibility of saving the animals. Therefore, he sought permission of this Court to delete the condition of execution of surety bond.

Per contra, the learned Public Prosecutor appearing for the respondent State would contend that it is the practice of the State that as and when the animals are being seized from the custody of the persons, who are transporting them to slaughter houses, the same are being handed over to the petitioner society. On such handing over, the same are being transported to their original place of origin. The learned Public Prosecutor also fairly conceded that the petitioner may be directed to give an undertaking in the form of an affidavit that the animals will be safely transported to their place of origin.

Having heard both the counsel and also looking into the object of the Prevention of Cruelty of Animals, Act, 1960, as well as

the Prevention of Cruelty of Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001, more particularly, Rule 5(1) of the Prevention of Cruelty of Animals (Care and Maintenance of Case Property Animals) Rules, 2017, this Court deems it appropriate to modify the condition of directing the petitioner to execute a surety bond for Rs.2,00,000/- into filing of an undertaking affidavit to the effect that the seized animals will be safely transported to their original place of origin i.e., Sirohi, Rajasthan and hand over the custody of the same to the People for Animals, National Camel Shelter. The petitioner society is directed to produce the evidence from the People for Animals, National Camel Shelter in respect of handing over of the said animals to it.

The criminal revision case is disposed of to the extent indicated above.

Miscellaneous petitions, if any, shall also stand disposed of.

P. KESHAVA RAO, J

Date: 01.08.2018.
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Note: Furnish C.C. by tomorrow.
(B/o.)
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