

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3342 of 2017

JUDGMENT:

The revision petitioner-petitioner-accused in Criminal M.P. No.1370 of 2017 in Crime No.181 of 2017 of B.B. Nagar P.S., filed for return of case property, which consists of seven male calves that were seized while they were being transported in one vehicle, and registered as C.P.No.99 of 2017.

2. The learned Additional Judicial Magistrate of First Class, Bhongir, did not agree with the submissions made by the learned counsel for the petitioner before her that they were purchased by the revision petitioner for business purpose and to sell them for profit after some period of lapse, and that was the reason the revision petitioner purchased the calves at young age i.e., 1 or 1½ years, but did not sell them to slaughter house as alleged, and even did not believe the receipts filed in an attempt to show that they were purchased in Shandi market. The learned Magistrate observed that the record would reveal that seven calves were found in one auto and also found one Ox dead body. The learned Magistrate also observed that though, they were not transporting to slaughter house for sale, the very fact that seven calves were transported in one single Auto carrier and also transporting the dead Ox with them may raise doubt in that regard, and, therefore, declined to accede to the request and thereby

dismissed the petition observing that they were already shifted to Goshala as they would be safe at Goshala.

3. Heard Sri K. Venu Madhav, learned counsel for the petitioner and the learned Special Assistant Public Prosecutor for the State of Telangana.

4. The offences alleged against the petitioner are punishable under Sections 5, 6 and 10 of Andhra Pradesh Prohibition of Cow Slaughter and Animals Prevention Act, 1977 and Section 11 (1) of Prevention of Cruelty to Animals Act, 1960.

5. Learned counsel for the petitioner would submit that the Photostat copy of the receipts now filed would show that all the seven calves were purchased on 28.07.2017, and the revision petitioner intended to rear them for his personal use, but he was falsely implicated on a false report given by the *de facto* complainant alleging that they were being transported to slaughter house and the finding recorded by the learned Magistrate that all the seven calves and the dead body of Ox were being transported in an Auto carrier is wrong as the very First Information Report would show that the Ox was transported in a different Auto bearing No.TS-29-T-1548, whereas, seven calves were being transported in AP-28-TE-1842. Thus, he denies the allegation contained in the First Information Report by one Kadari Mahesh, who alleged to have found that both autos were proceeding in a particular direction and when he intercepted the auto driver did not give any information, in fact, he intercepted along with

his friend on credible information received that the cattle were being transported to slaughter house.

6. Now, there are two questions, which require an answer and it is difficult to find whether the revision petitioner is attempting to get live calves in small Auto carrier, without taking sufficient safeguards as required by the provisions of the Act. That has been the main factor. Second, they are being transported towards slaughter house along with another auto carrier, in which the dead Ox was found together.

7. The learned counsel, no doubt, filed receipts, but these receipts are to be exhibited during trial, for proving ownership of the calves and the purpose for which they were purchased.

8. As could be seen from the order, the submission of the learned counsel before the Court below was to make profit by selling them later by the revision petitioner and the very purchase was only for business purpose and to sell them after expiry of some months thereafter. That contention appears to be not that convincing at this stage. Hence, it is difficult to accede to the request of the learned counsel for the petitioner to release the seven calves in favour of the revision petitioner, which are kept in Goshala towards temporary custody.

9. Therefore, while dismissing the Criminal Revision Case, it is desirable to direct the learned Magistrate to dispose of the case itself in case charge-sheet is already laid; and in case charge-sheet is not filed so far, the investigating agency has to do nothing more as the

crime was registered on 28.7.2017 except to lay charge-sheet. Learned Magistrate, if he finds *prima facie* material, to observe due formalities and dispose of the same as expeditiously as possible preferably not later than six months from the date of filing of the charge-sheet.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Revision Case shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 02.01.2018
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