

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.01.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.489 of 2019

S.Lakshmanasamy

... Petitioner

Vs.

State Rep. By,
The Inspector of Police,
Kundadam Police Station,
Tiruppur District.

.. Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to give police protection and permission to conducting "Cock Fight" (nrty; rz;il) on 16.01.2019 to 18.01.2019 at Survey No.2/B4, Ponnalipalayam, Kethalrev Village, Dharapuram Taluk, Tiruppur District.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor,

ORDER

This petition has been filed seeking for police protection to conduct the "Cock Fight" from 16.01.2019 to 18.01.2019 at Kethelrav Village.

2.It is seen from the records that the Cock fight is being organized during the pongal festival traditionally in this village. Even last year, the petitioner had approached this Court and this Court, by an order dated 12.01.2018 made in CrI.O.P.No.925 of 2018 had granted permission by imposing certain conditions.

3.The learned Counsel for the petitioner submitted that pursuant to the permission granted by this Court, the event was conducted in a peaceful manner. Therefore, the petitioner has again sought for permission to the respondent police to permit them to conduct the cock fight even this year also. Since, no order has been passed by the respondent police, the present petition has been filed.

4.The learned Additional Public Prosecutor, on instructions, would submit that the event during last year, went on peacefully. However, certain persons indulged in gambling and therefore, the respondent police registered an FIR in Cr.No.201 of 2018 for an offence under Section 12 of the Gambling Act. The learned counsel would therefore, submit that apart from the conditions imposed last year, this Court may also impose an additional condition, forbearing the petitioner and others, not to indulge in any gambling during the event.

5.Considering the facts and circumstances of the case, this Court is of the considered view that the respondent police can be directed to grant permission and give police protection for the event subject to the following conditions:

(i)It is made clear that such an event shall be supervised by the respondent as well as by the veterinary doctor of nearby Government Veterinary Hospital.

(ii)It is further made clear that during the course of conducting 'Cock Fight', there should not be any injury to be caused to the birds and the birds should not be intoxicated with any alcoholic substance and no knives should be tied around the legs of the birds, with the tip of the knives dipped in poisonous substances. The veterinary doctor shall ensure the same before the actual starting of the event.

(iii)The petitioner shall bear the expenses towards police protection as well as the expenses towards the Veterinary doctor.

(iv)It is made clear that the organizer should take precautionary measures to avoid any untoward incident while conducting the event of cock-fight.

(v)Songs praising communal leader or having communal overtones should not be played.

(vi)The petitioner will ensure that no flex board or hoardings depicting particular community or leader is displayed.

(vii)All the above terms and conditions should be followed scrupulously by the petitioner and the petitioner shall file an affidavit of undertaking to the said effect before the respondent.

(viii)The petitioner volunteers to donate a sum of Rs.5,000/- (Rupees five thousand only) to any one of the Orphanages in the District and payment of proof shall be produced before the respondent.

(ix)No one is allowed to enter, except the owner of the birds which are going to participate in the event.

(x)There is a separate place allocated for the spectators.

(xi)According to the conditions, eligible birds are only allowed to participate in the event. If there is any certain objections being raised, it is taken to the concerned police office to take a decision.

(xii)It is also made clear that neither the petitioner nor any of the parties/participants shall indulge in any gambling activities.

6.It is made clear that the aforesaid conditions shall be strictly followed during the event and if there is any violation, it is open to the respondent police to take action immediately in accordance with law.

7.This Criminal Original Petition is disposed of with a direction to the respondent police to permit the petitioner and to give police protection to the cock fight event which is to be conducted from 16.01.2019 to 18.01.2019 by the petitioner subject to the above conditions.

ay/rpl

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Kundadam Police Station,
Tiruppur District.

2.The Public Prosecutor,
High Court, Madras.

+1cc To M/s.Camyles Gandhi, Advocate,Sr.No.2894

RGN(CO)
KAK(10/01/2019)

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