

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.2841 of 2019

M.Venugopal

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
T-3, Korattur Police Station,
Chennai - 600 080

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent police to hand over the buffalo to the petitioner herein.

For Petitioner : Mr.J.Ravi Shankar

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed seeking direction to the respondent police to hand over the buffalo to the petitioner herein.

2. The learned counsel appearing for the petitioner would submit that on 26.03.2016, the petitioner purchased a buffalo from one Bala and the buffalo was missing on 11.11.2018 and thereafter on 18.11.2018 the said buffalo came back to the petitioner's home. But one Karthick and Gomathi claimed right over the said buffalo and took it forcefully from the petitioner's home and also lodged a police complaint against the petitioner. The petitioner called for an enquiry and in that enquiry though the petitioner proved his ownership over the buffalo, the respondent police handed over the buffalo to the Chennai Corporation. Hence, he prays to allow this petition.

3. The learned Additional Public Prosecutor submit that the petitioner purchased a stolen buffalo and the original owner claimed right over the said buffalo. Hence, the respondent police without no other option sent the buffalo to the Chennai Corporation. Therefore, he prays to dismiss the petition.

4. Heard Mr.J.Ravi Shankar, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

5. It seems that the petitioner purchased a buffalo from one Bala. To prove his ownership of the buffalo, the petitioner produced a certificate from Veterinary Assistant Surgeon, Veterinary Dispensary, Padi for artificial insemination on 19.09.2018. On enquiry it was found that the petitioner purchased the said buffalo from one Bala for valuable consideration and there is a counter claim from one Karthick and Gomathi. Therefore, the respondent police handed over the buffalo to Chennai Corporation. It is unfortunate to note that without grazing and proper maintenance, the said buffalo's life is in danger.

6. Considering the above facts and circumstance of the case, this Court feels that it deems to fit to direct the respondent police to take custody of the buffalo from the Chennai Corporation and hand over the same to the petitioner within a period of two weeks from the date of receipt of copy of this Order. Accordingly, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Inspector of Police,
T-3, Korattur Police Station,
Chennai - 600 080
2. The Commissioner,
Chennai Corporation, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

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SSM(18/02/2019)