

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.R.C.No.978 of 2019

C.Thulsi

... Petitioner/Accused-1

Vs.

State represented by
The Inspector of Police,
G7-Achirupakkam Police Station,
Kancheepuram District. ...Respondent/Complainant

Criminal Revision filed under section 397 r/w 401 Cr.P.C., to set aside the order dated 28.05.2019 passed in Crl.M.P.No.3968 of 2019 in Crime No.114 of 2019 on the file of the Judicial Magistrate Court, Maduranthagam, Kancheepuram District.

For Petitioner : Mr.B.Vimal Crimson

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

J U D G M E N T

This criminal revision has been filed seeking to set aside the order dated 28.05.2019 passed in Crl.M.P.No.3968 of 2019 in Crime No.114 of 2019 on the file of the Judicial Magistrate Court, Maduranthagam, Kancheepuram District and to direct the release of 17 buffaloes and 19 bulls.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of eighteen buffaloes and nineteen bulls, he having purchased them at Prakasam Market in Andhra Pradesh, for agricultural purpose; while the petitioner was transiting the said cattle in a vehicle from Andhra Pradesh to Tirunelveli via Chengalpet, in the open ventilation, providing them necessary fodders and medical facility, till the destination, he was in possession of the purchase bills/invoices; on a complaint given by Raguram Sharma, the Highway Patrol Police, intercepted the vehicle and registered a case in Crime No.114 of 2019 on 08.05.2019 for the offences under Sections 428 and 429 IPC and Sections 11 (1) (a), 11 (1) (b), 11 (1) (d) and 11 (1) (e) of the Prevention of Cruelty to Animals Act, 1960.

3. The learned counsel for the petitioner would further submit that the cattle were seized and produced before the Judicial Magistrate, Maduranthagam; on the directions of the learned Magistrate, the cattle were handed over to the custody of Gokula Krishna Goshala, Uthukottai, Tiruvallur District; the petitioner is an agriculturist and the cattle were purchased by him for his own use for agricultural purpose and not for butchering them. The learned counsel for the petitioner also furnished a copy of the necessary bills/invoices, as proof, before this Court.

4. The learned counsel for the respondent/police has filed a counter, in which, it is submitted that, on the complaint given by Raguram Sharma that cattle were moved illegally in a cruel manner, a case in Crime No.114 of 2019 was registered by the respondent for the aforesaid offences. He would further submit that the petitioner has not produced any valid evidence to prove his ownership and the cattle were seized from the lorry and they have been entrusted to the custody of the Gokula Krishna Goshala, Uthukottai, Thiruvallur District.

5. Heard Mr.B.Vimal, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent/State and perused the materials on record.

6. Taking into consideration the facts and circumstances of the case, this Court is of the view that interim custody of the cattle shall be given to the petitioner on the following conditions:

(i) The petitioner shall appear before the trial Court and produce the original bills to prove his ownership.

(ii) The petitioner is directed to file an undertaking that the cattle will be maintained properly and will not be treated cruelly and will be transported in a safe manner and that they will be used only for agricultural purpose and if necessary they will be produced before the trial Court as and when required by the trial Court, during trial.

(iii) The petitioner is also directed to take individual photographs of the cattle and produce the same before the trial Court.

(iv) Thereafter, the Judicial Magistrate, Maduranthagam, Kancheepuram District, shall return the interim custody of the cattle to the

petitioner.

With the above directions, this criminal revision is allowed by setting aside the order dated 28.05.2019 passed in CrI.M.P.No.3968 of 2019 in Crime No.114 of 2019 on the file of the Judicial Magistrate Court, Maduranthagam, Kancheepuram District.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate,
Maduranthagam,
Kancheepuram District.
2. The Inspector of Police,
G7-Achirupakkam Police Station,
Kancheepuram District.
3. The Additional Public Prosecutor,
Madras High Court,
Chennai - 104.

+1cc to Mr.B.Vimal Crimson , Advocate SR.No. 84113

CrI.R.C.No.978 of 2019

sai

A.SK(16/10/2019)

सत्यमेव जयते
WEB COPY