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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 30.07.2020**

**CORAM**

**THE HONOURABLE MR. JUSTICE B.PUGALENDHI**

**Crl.R.C.(MD).No.24 of 2016**

K.G.Krishnamani .. Petitioner/Defacto Complainant
Vs.

1.State rep. by Inspector of Police,
Thakkalai Police Station,
Thakkalai.

2.Mohandoss .. Respondents/Respondents

**PRAYER:** Criminal Revision Case, filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the impugned order, dated 01.12.2015 in Cr.M.P.No.10294 of 2015 issued by the learned Judicial Magistrate, Padmanabhapuram.

For Petitioner : Mr.T.Antony Arul Raj
For Respondent : Mr.A.Robinson for R1
Government Advocate (Crl. Side)

**ORDER**

This revision petition has been filed as against the order passed by the trial Court granting interim custody of cattle in favour of the accused in Crime No.1048/2015.

2.According to the learned Government Advocate (Crl. Side), cattle has been recovered only from the accused and after obtaining certificate from the Doctor and pursuant to the order of the learned Judicial Magistrate, the cattle have been handed over to the accused for the interim custody as per Section 451 Cr.P.C. and he further submits that the investigation in this case has been completed and final report also has been filed.

3.Mr.T.Antony Arul Raj, learned counsel for the petitioner brought to the knowledge of this Court that as per Section 29 of Prevention of Cruelty to Animals Act, 1960, (herein after referred as 'the Act') if the accused is punished for the offence under Section 11 (1)(d) of the Act, he is not entitled to get the custody of the animals and therefore, the learned Judicial Magistrate, while taking a decision in the trial, has to consider the same.

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4.It is also brought to the knowledge of this Court that though the cattle are taken into the custody of the accused by executing the bond, he has sold the cattle and violated the conditions imposed by the learned Judicial Magistrate while granting the interim custody.

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5.Therefore, this revision petition is disposed of with a direction to the trial Court to complete the trial and dispose of the same as early as possible. Needless to mention that the trial Court shall take note of the Provision under Section 29 of the Prevention of Cruelty of Animals Act and shall also pass such other order, if there found to be any deviation of the earlier interim order passed by the trial Court.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

*Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1.The Judicial Magistrate,
Padmanabhapuram.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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**SMA/06/08/2020/2P/3C**

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