

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8144 of 2021

P.Maragatham

... Petitioner

Versus

1.The Inspector of Police,
The Taluk Police Station (D2),
Chengalpattu District.

2.Yesudas

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.1420 of 2021 in Cr.No.747 of 2019 pending before the file of Judicial Magistrate No.1, Chengalpattu dated 24.02.2021.

For Petitioner : M/s.P.Uma

For R1 : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order, dated 24.02.2021 in Crl.M.P.No.1420 of 2021 in Crime No.747 of 2019, passed by the learned Judicial Magistrate No.1, Chengalpet.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the cattle which was seized by the 1st respondent Police under Section 102 Cr.P.C., in Crime No.747 of 2019 for creating obstacle to the public and also causing health hazards. The petitioner has filed a petition under Section 451 r/w 457 of Cr.P.C., for return of property in Crl.M.P.No.1420 of 2021. The petitioner was granted custody of the cattle, despite objection made by the 1st respondent Police that the enquiry with regard to the ownership of the cattle is pending before the D.R.O., Chengalpet. The learned Judicial Magistrate No.I, Chengalpet, by order, dated 24.02.2021, directed the petitioner to deposit the cost of transportation charges of Rs.27,240/-, against which, she filed the above petition.

3.The learned Additional Public Prosecutor appearing for the 1st respondent submitted that on the complaint received from the public that the petitioner had tied the cattle in the road and caused obstacle and endanger to the safety of others. Despite warning, the petitioner was continuing the same and also refused to remove the cattle from the public place. Thus, the 1st respondent Police with no other option, registered a case and seized the cattle and handed over to Blue Cross Society. Now, the cattle is in Blue Cross Society. As per directions of the Hon'ble Supreme Court and the Criminal Rules of Practice, the Court can impose transportation charges. In this case, the transportation of cattle has been calculated and the trial Court had rightly imposed the cost, which need not be interfered with and prayed for dismissal.

4.Considering the expression made by the learned counsel for the petitioner that the petitioner is a poor agriculturist and she is a milk vendor and with the cattle, she is earning, this Court is inclined to modify the transportation charges imposed on the petitioner. Hence, the transportation charges of Rs.27,240/- is modified to Rs.15,000/-. The petitioner is directed to deposit the cost of transportation of Rs.15,000/- before the learned Judicial Magistrate No.I, Chengalpet along with undertaking affidavit that she will not tie the cattle in a road or any public place and will not be cause for public transport as well as for spread of any pandemic and also to take back the cattle from the Blue Cross Society on her own cost of transportation.

5.With the above modification, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.I,
Chengalpet.

2.The Inspector of Police,
The Taluk Police Station (D2),
Chengalpattu District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.P.Uma, Advocate SR.No.26418

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RSV(CO)
GMY(12/07/2021)



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