

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.10096 of 2021

Abdul Rasheed

... Petitioner

Vs

State represented by
The Inspector of Police,
F-3 Arambakkam Police Station,
Thiruvallur.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the learned District Munsif cum Judicial Magistrate, Gummidipoondi, to take on file the petitioner for return of property petition filed in connection with respondent's Crime No.76 of 2021, praying for return of 14 bulls that returned as not maintainable on 06.05.2021, vide SR.No.1009/21.

For Petitioner : Mr.C.H.Vinobha Gandhi

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed for direction to the learned Judicial Magistrate, Gummidipoondi, to take on file petition filed in connection with respondent's Crime No.76 of 2021 for return of 14 bulls, which was returned as not maintainable on 06.05.2021, vide SR.No.1009/21.

2. The petitioner is doing cattle business and while the petitioner was carrying 14 bulls in a lorry, which were purchased for the purpose of butchering, the respondent inspected the lorry and registered a case in Crime No.76 of 2021 for the offences under Sections 428 and 429 of IPC r/w. 11(1) (a), 11(1)(e), 11(1)(h) Prevention of Cruelty of Animals Act, 1960. The respondent also seized the vehicle along with his 14 bulls. Thereafter, on petition, the learned Judicial Magistrate, Gummidipoondi Thiruvallur District released the lorry vide order in CMP.No.567 of 2021 dated 06.05.2021. Further, in respect of the bulls, the petitioner has filed a petition under

Section 451 of Cr.P.C for return of his 14 bulls, but the above said petition was returned for the reason that the property being living object and as such, that petition is not maintainable.

3. The learned Government Advocate (Crl.Side) submitted that after seizing 14 bulls, they are kept in the Madras Society for the Prevention of Cruelty to Animals (SPCA), Vepery.

4. Considering the above facts and circumstances, the petitioner is permitted to re-present a petition for returning of 14 bulls before the concerned Magistrate and on such representation being made by the petitioner, the concerned Magistrate is directed to consider the same, after numbering it on merits and in accordance with law.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Kv

To

1. The District Munsif cum
Judicial Magistrate, Gummidipoondi.
2. The Inspector of Police,
F3 Arambakkam Police Station,
Thiruvallur.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.H.Vinobha Gandhi, Advocate, S.R.No. 27584

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CP(CO)
GN(05/07/2021)