



WEB COPY

IN THE HIGH Court OF JUDICATURE AT MADRAS

Reserved on : 04.01.2022

Pronounced on : 25.01.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.Nos.295 & 296 of 2014
& MP.1 & 1/2014

G.Arun Prasanna ... Petitioner in both cases

Versus

1.Elango ... First Respondent in Crl.RC.295/2014

1.V.S.Subramani ... First Respondent in Crl.RC.296/2014

2.State by Inspector of Police,
Uthukottai Police Station, Uthukottai.

3.Indian Institute of Animal Welfare,
Venkatapuram, Thiruvellore District,
Having its registered office at
No.3, 9th South Cross Street, Kapaleswarar Nagar,
Neelankarai, Chennai - 41.

[R3 impleaded as per order of this Court dated 19.08.2015
in M.P.No.1 & 1 of 2015 in Crl.RC.Nos.295 & 296 of 2014.]

4.Sri Jain Gosala,
Fort Round Road,Konavattam, Vellore.

5.Blue Cross of India,
No.72, Velacherry Main Road, Guindy, Chennai.

6.The Society for prevention of cruelty of Animals (SPCA),
No.34, Veppery High Road, Chennai.

7.Vellingiri Gaushala,
No.112/86, HUDCO Colony Main Road,
Tatabad, Coimbatore.

8.Gangothri GOU Seva Samith Trust,
A.D.Colony Bank side,
Guruvaurappan Nagar,
Koyampalayam, Abirami Theatre Road,
Tiruppur.

9.S.S.L.V.Goshala Trust & Research Centre,
Manjakuppam Village,
Pattalaperambattur Post,
Tiruvellore District.



10. Animal Welfare Board of Chennai,
No.13/1, 3rd Seaward Road,
Valmiki Nagar, Thirvanmiyur,
Chennai. ... Respondents 3 to 10 in both cases

WEB COPY

[R4 to R10 impleaded as per order of this Court dated 16.10.2015 made in M.P.No.2 of 2015 in Crl.RC.Nos.295 & 296 of 2014.]

Prayer in both revision cases: Criminal Revision Petitions are filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in CMP.Nos.419 & 420 of 2014 respectively, on the file of the Learned District Munsif Cum Judicial Magistrate, Uthukottai and set aside the order dated 07.02.2014.

For Petitioner : Mr.A.M.Amutha Ganesh
(in both cases)

For Respondents : Mr.C.Munusamy (for R1)
(in both cases)

: Mr.L.Baskaran, (for R2)
Govt.Adv.(Crl.side)

: Mr. A.Velmurugan (for R3)

COMMON ORDER

These Criminal Revision Cases in Crl.RC. Nos.295 & 296 of 2014 are filed by one G.Arun Prasanna, President, People for Cattle in India, aggrieved by the order dated 07.02.2014 in CMP.No.419 of 2014 and 420 of 2014, respectively, passed by the Learned District Munsif cum Judicial Magistrate, Uthukottai, thereby ordering the return of cattle seized in Cr. No.322 of 2013 to their respective owners namely one Ilango S/o. Murugesan and V.S.Subramani, S/o.Velusamy, respectively.

Brief facts leading to the filing of the revision cases:

2. On 17.12.2013 one Christhu Doss, Tahisldhar, Uthukottai was conducting a search near "Anna Statue" of Uthukottai. During such search, he found that in three lorries bearing registration Nos. TN-57-R-2646, AP-16-TX 2721, and TN-41-M-5738 cattle, namely, cows, calves, and buffaloes, totally 79 in number, were loaded beyond the permissible limit, without any proper documents and they were transported in a cruel manner without proper feeding. Therefore, he seized the cattle and the vehicles and lodged a complaint at 00.30 hours on 18.12.2013, before the Inspector of Police, Uthukottai Police Station, who registered a case in Crime No.322 of 2013, for the offence under Section 429 of IPC., r/w under Section 12 of Prevention of Cruelty of Animals, Act, 1960. By a seizure mahazar, the cattle were seized under Form - 91 (3Nos) dated 18.12.2013 bearing Serial Nos.0367759, 0367760, 0367761, were forwarded to the Learned Magistrate while entrusting the custody of the said



animals with Ghosala run by the third respondent.

3. Thereafter, the owners of the cattle viz., Mr. Ilango, son of Murugesan, the first respondent in Crl.R.C.No.295 of 2014, and Mr.V.S.Subramani, son of Velusamy, the first respondent in Crl.RC.No.296 of 2014, moved separate applications before the Learned Magistrate, for return of the cattle to them pending investigation of the criminal case filed under Section 451 of the Code of Criminal Procedure. But, by two separate orders dated 07.02.2014 made in CMP.Nos.419 & 420 of 2014, the Learned Magistrate, ordered interim custody of the cattle to the owners, by relying upon the Judgement of the Hon'ble Supreme Court of India in Sundar Bai Vs. State of Gujarat¹, upon execution of a personal bond for a sum of Rs.5 lakhs and upon further conditions that the cattle should be properly maintained, fed, proper shelter to be arranged and medical treatment to be given and upon filing an affidavit of undertaking stating that they will produce the cattle, whenever ordered by the Court and the cattle to be photographed and the CD / photographs to be produced before the Court.

4. Aggrieved by the said orders, a third party to the proceedings, Mr.G.Arun Prasanna, who is the President, People for Cattle in India, Chennai (PFCI) has filed the present revisions before this Court claiming that he is an activist involved in the preservation, safety, and animal welfare. According to him, the Learned Magistrate, without considering the provisions of the Prevention of Cruelty to Animals Act, especially Section 29 of the said Act and the earlier Judgements of this Court in Prema Veeraraghavan Vs. State², Naseerulah Vs. State and Ors.,³, G.Arun Prasanna Vs. State and Ors.,⁴, erroneously ordered to return of the cattle.

5. Entertaining the above said writ petitions filed earlier, finding prima facie case, by order dated 24.08.2015, this Court granted interim stay of the order of the Learned Magistrate. Thereafter, the first respondent in the criminal revision had filed an affidavit before this Court stating that the present revision is filed as an abuse of process of law and the Ghosala is not maintaining the cattle, which are seized by this Court and the cattle are not to be seen in the Ghosala. Upon such affidavit, this Court had by an order dated 01.09.2015 appointed an Advocate Commissioner to inspect the third respondent's Ghosala and file a report. The Advocate Commissioner conducted an inspection and thereafter, on 21.09.2015 filed a report, stating that animals in the third respondent's Ghosala, were not marked for identification purposes and the Ghosala also does not maintain any inward or outward register.



6. Thereafter, this Court directed the petitioner to file an affidavit as to how many cattle were received, to which Ghosalas the cattle were entrusted, and the state of affairs of the cattle and also directed to file an objection if any to the Commissioner's report. The second respondent/police was directed to file a report, regarding the handing over of the cattle to the Ghosala. The third respondent was also directed to file a report as to from which source cattle were received. On 12.10.2015, the third respondent produced a certificate, which was issued by the Animal Welfare Board of India stating that it is an Authorised Organisation to keep the animals and provide shelter for animals and a Status report was also filed on 16.10.2015 by the custodian of the third respondent Ghosala, giving the details as required by this Court, which reads as follows:-

"4. As on date, there are totally 284 cattle are at Venkatapuram Ghosala and 246 cattle at Neelangarai. The details of the rescued cattle are given below:

i) Crime No.29 of 2013 - Peerkankarani Police Station - Totally 122 Cattle Consisting of , 118 Buffaloes and 4 Oxen.

ii) Crime No.524 of 2013 - Nazerathpet Police Station - Totally 76 Cattle, 74 Buffaloes and 2 Oxen.

iii) Crime No.322 of 2013 - Uthukottai Police Station - Totally 79 Cattle, Consisting of, 51 Bulls, 26 Buffaloes and 2 Male Calves.

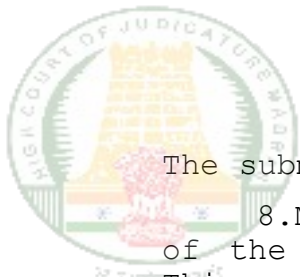
iv) Crime No.1583 of 2013 - Tambaram Police Station - Totally 28 Cattle consisting of, 26 Buffaloes, 2 Bulls (1 died) - 12 Buffaloes were taken from us based on the High Court Order - 15 cattle are there in our custody.

Total no.of rescue cattle given to our custody - 305 cattle; Out of which 9 cattle were taken by the alleged owner and 4 have died."

7. Thereafter, when the matters came up for hearing, now before this Court, presently a status report was filed by the respondent/police, on 04.01.2022 and in paragraph No.7, it is mentioned as follows:-

".....As per the inquiry, it was reported that out of the 79 seized animals, 10 numbers of buffalos and 9 bulls were dead and remaining seized animals are alive..."

In this background, the present Criminal Revisions were heard by this Court.



The submissions made on behalf of the parties :

8.Mr.A.M.Amutha Ganesh, Learned Counsel appearing on behalf of the petitioner submitted that it is a regular feature in Thiruvannamalai District that in a most cruel manner, without any permission whatsoever, cows and buffaloes are attempted to be smuggled to Kerala and unless the same is checked, it would lead to grave cruelty to these animals. As these animals are handled in a most inhuman manner and taken to slaughter-houses, without following any proper procedure whatsoever. He would submit that the Learned Magistrate, without even considering Section 29 of the Prevention of Cruelty to Animals Act, in a routine manner ordered to return the animals. Therefore, this Court has to intervene in the revision and submit that this Court should not entrust the animals again to the same individuals, who had earlier attempted to sell these cattle to slaughter-houses. Further, he submitted that in view of the earlier orders of this Court, in Naseerulah case, and in the case filed by the very same petitioner Mr.G.Arun Prasanna case, the order passed by the Learned Magistrate is liable to be set aside. He would further urge this Court to also frame rules for transportation and also for upkeep of the care of the animals, pending litigation.

9.Mr.C.Munusamy, Learned Counsel appearing on behalf of the owners of the cattle submitted that his clients have no previous or similar cases. They are the owners of the cattle. The case is still pending and even before any guilt is pronounced, the petitioner had filed the revision as if they are guilty. In any event, the petitioners being the owners of the property are entitled to the cattle. They are now divested of their cattle for the past seven years, on account of the intervention of the third-party/petitioner. The petitioners are the best persons to take care of their cattle. Now after divesting the petitioners of their cattle, the Ghosala has not properly maintained the same and the cattle are not even available and therefore they are put to loss. The third respondent as well as the petitioner should be made answerable to the owners of the cattle. He also requested that a detailed procedure for upkeep of the cattle pending litigation may be framed by this Court.

10.Mr.A.Velmurugan, Learned Counsel appearing on behalf of the third respondent/ Ghosala has submitted that they are a charitable organisation for the purpose of welfare of the animals and they are maintaining the cattle in the best possible manner from out of the funds given by the philanthropists. As and when the cattle are entrusted to them and are being returned, for the period of maintenance, they must be paid their charges.



11. Upon considering the rival submissions made on behalf of the parties and the materials on record, the following questions arise for answering in this case:-

i) Whether the first respondent (in both cases), owners of the cattle are entitled for return of the cattle pending disposal of the criminal case in C.C.No.74 of 2014, on the file of the District Munsif cum Judicial Magistrate, Uthukottai?

ii) Whether the third respondent is entitled for the charges of maintenance and if so, who has to bear the said charges?

iii) In respect of missing cattle, which was divested from the petitioners, whether the petitioners are entitled to compensation or not?

12. In order to answer the above said questions, it is necessary to consider the law on the subject. The illegal transport of the animals in a cruel manner is punishable under Section 429 of the Indian penal code, and it also amounts to offence punishable under Section 11(1) and Section 12 of the Tamil Nadu Prevention of Cruelty to Animals Act. Sections 11 (1), 29, 30, 32 & 38 are relevant provisions under the Act, are extracted hereunder:-

"Section 11: Treating animals cruelly.-

(1) If any person-

(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animal to be so treated; or

(b) 1 [employs in any work or labour or for any purpose any animal which, by reason of its age or any disease], infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed;

(c) wilfully and unreasonably administers any injurious drug or injurious substance to 2 [any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by 2 [any animal]; or

(d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

<https://hcservices.ecourts.gov.in/hcservices/> keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to



permit the animal a reasonable opportunity for movement; or

(f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(g) being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement; or

(h) being the owner of 3 [any animal] fails to provide such animal with sufficient food, drink or shelter; or

(i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or

(j) wilfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with a contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

(k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

(l) [(1) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or]

2. [(m) solely with a view to providing entertainment—

(i) confines or causes to be confined any animal (including the tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or

(ii) incites any animal to fight or bait any other animal; or]

(n) 3 *** organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or



WEB COPY

(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; he shall be punishable, 4 [in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both].

And

Section 29 & 30:

29. Power of court to deprive person convicted of ownership of animal :

(1) If the owner of any animal is found guilty of any offence under this Act. the court upon his conviction thereof, may, if it thinks fit, in addition to any other punishment make an order that the animal with respect to which the offence was committed shall be forfeited to Government and may, further, make such order as to the disposal of the animal as it thinks fit under the circumstances.

(2) No order under sub-section (1) shall be made unless it is shown by evidence as to a -previous conviction under this Act or as to the character of the owner or otherwise as to the treatment of the animal that the animal if left with the owner, is likely to be exposed to further cruelty.

(3) without prejudice to the provision contained in sub-section (1), the court may also order that a person convicted of an offence under this Act shall, either permanently or during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever, or as the court thinks fit of any animal of any kind or species specified in the order.

(4) No order under sub-section (3) shall be made unless

(a) it is shown by evidence as to a previous conviction or as to the character of the said person or otherwise as to the treatment of the animal in relation to which he has been convicted that an animal in the custody of the said person is likely to be exposed to cruelty;

(b) it is stated in the complaint upon which the conviction was made that it is the



WEB COPY

intention of the complaint upon the conviction of the accused to request that an order be made as aforesaid and

(c) the offence for which the conviction was made was committed in an area in which under the law for the time being in force a licence is necessary for the keeping of any such animal as that in respect of which the conviction was made.

(5) Notwithstanding anything to the contrary contained in any law for the time being in force, any person in respect of whom an order is made under sub-section (3) shall have no right to the custody of any animal contrary to the provisions of the order, and if he contravenes the provisions of any order, he shall be punishable with fine which may extend to one hundred rupees, or, with imprisonment for a term which may extend to three months, or with both.

(6) Any court which has made an order under sub-section (3) may at any time, either on its own motion or on application made to it in this behalf, rescind or modify such order.

Section 30: Presumptions as to guilt in certain cases:

If any person is charged with the offences of killing a goat, cow or its progeny contrary to the provisions of clause (1) of sub-section (1) or section 11, and it is proved that such person had in his possession, at the time the offence is alleged to have been committed, the skin of any such animal as is referred to in this section with any the skin of any such animal as is referred to in this section with any part of the skin of the head attached thereto, it shall be presumed until the contrary is proved that such animal was killed in a cruel manner.

Section 32: Powers of search and seizure :

(1) If a police officer not below the rank of sub inspector, or any person authorised by the State Government in this behalf has reason to believe that an offence under clause (1) of sub-section (1) of section 11 in respect of any such animal as is referred to in section 30 is being, or that any person has in his possession the skin of any such animal with any part of the skin of the head attached thereto, he, may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize such skin or any article or thing used or intended to be used in the commission



of such offence.

(2) If a police officer not below the rank of sub-inspector, or any person authorised by the State Government in this behalf, has reason to believe that phooka or 25 (doom dev or any other operation of the nature referred to in section 12) has just been or is being, performed on any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for examination by the veterinary officer in-charge of the area in which the animal is seized.

Section 39: Persons authorised under section 34 to be public servants :

Every person authorised by the State Government under section 34 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal code."

13. Similarly, Rules 47 to 56 and Rule 96 of the Transport of Animals Rules, 1978 are applicable and the same can be gainfully extracted as hereunder:-

"Rule 46: Rules 47 to 56 shall apply to the transport by rail or of cows, bulls, bullocks buffaloes, yaks and calves (hereinafter in these rules referred to as 'cattle'.

47: (a) A valid certificate by a qualified veterinary surgeon to the effect that the cattle are in a fit condition to travel by rail or road and are not suffering from any infectious or contagious or parasitic diseases and that they have been vaccinated against rinderpest and any other infectious or contagious or parasitic diseases shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in the form specified in Schedule E.

48. Veterinary first-aid equipment shall accompany all batches of cattle.

49. (a) Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee, the number and types of cattle being transported and quantity of rations and food



provided.

(b) The consignee shall be informed about the train or vehicle in which the consignment of cattle is being sent and its arrival time in advance.

(c) The consignment of cattle shall be booked by the next train or vehicle and shall not be detained after the consignment is accepted for booking.

51.

(a) Suitable rope and platforms should be used for loading cattle from vehicles.

(b) In case of railway wagon the dropped door of the wagon may be used as a ramp when loading or unloading is done to the platform.

52. Cattle shall be loaded after they are properly fed and given water.

53. Cattle in advanced stage of pregnancy shall not be mixed with young cattle in order to avoid stampede during transportation.

54.

(1) Watering arrangements on route shall be made and sufficient quantities of water shall be carried for emergency.

(2) Sufficient feed and fodder with adequate reserve shall be carried to last during the journey.

(3) Adequate ventilation shall be ensured.

55. When cattle is to be transported by rail. —

(a) an ordinary goods wagon shall carry not more than ten adult cattle or fifteen calves on broad gauge, not more than six adult cattle or ten calves on metre gauge, or not more than four adult cattle or six calves on narrow gauge;

(b) every wagon carrying cattle shall have atleast one attendant;

(c) cattle shall be loaded parallel to the rails, facing each other;

(d) rations for padding, such as straw, shall be placed on the floor to avoid injury if a cattle lies down and this shall not be less than 6 cms thick,

(e) rations for the journey shall be carried



in the middle of the wagon;

(f) to provide adequate ventilation, upper door of one side of the wagon shall be kept open properly fixed and the upper door of the wagon shall have wire gauge closely welded mesh arrangements to prevent burning cinders from the engines entering the wagon and leading to fire outbreak;

56. When cattle are to be transported by goods vehicle the following precautions are to be taken, namely:

(a) specially fitted goods vehicles with a special type of tail board on padding around the sides should be used;

(b) ordinary goods vehicles shall be provided with anti-slipping material, such as coir matting or wooden board on the floor and the superstructure, if low, should be raised;

(c) no goods vehicle shall carry more than six cattle;

(d) each goods vehicle shall be provided with one attendant;

(e) while transporting the cattle, the goods vehicle shall not be loaded with any other merchandise; and

(f) to prevent cattle being frightened or injured, they should preferably face the engine."

And

96 Issue of certificate before transportation.

(1) A valid certificate issued by an officer or any person or Animal Welfare Organisation duly recognised and authorised for this purpose by the Animal Welfare Board of India or the Central Government shall be procured by any person making transport of any animal before transportation of such animal verifying that all the relevant Central and State Acts, rules and orders pertaining to the said animals including the rules relating to transport of such animals have been duly complied with and that the animal is not being transported for any purpose contrary to the provision of any law.

(2) In the absence of such certificate, the carrier shall refuse to accept the consignment for transport.] Explanation.— For the purpose of this rule the certificate shall be issued in such form



as may be specified for this purpose by the Central Government.

14. This apart Section 177 of the Motor Vehicles Act, is also relevant :

"Section 177: General provision for punishment of offences.—Whoever contravenes any provision of this Act or of any rule, regulation or notification made thereunder shall, if no penalty is provided for the offence be punishable for the first offence with fine which may extend to one hundred rupees, and for any second or subsequent offence with fine which may extend to three hundred rupees."

15. The matter concerning the illegal transport of cattle and seizure thereof, has been dealt with by this Court in detail in the case of Naseerulah case, where under, this Court relied upon the Judgement of the Gujarat High Court in Manager, Panjrapole Deodar Vs. Chakaram Moraji Nat, Maldhari and another⁵, and held that the power of seizure is there under Section 102 of the Code of Criminal Procedure, and considering the relevant provisions, this Court in Prema Veeraraghavan case, as stated supra, had refused custody of the cattle to the owners on the apprehension that the accused would again sell them for butchering at Kerala.

16. Similarly in the matter filed by the petitioner himself, G.Arun Prasanna Vs. State & Ors, stated supra, this Court had dealt with the competency of the petitioner to intervene in the matter and to take care of the cattle. In this regard, the Gujarat High Court, in the Judgment of Manager, Panjrapole Deodar Vs. Chakaram Moraji Nat, Maldhari and another case, reported in (as stated supra), had framed the following questions:-

"Q.1. Whether Panjarapole has locus to apply and also approach to the High Courts in the matter of interim custody?

Q.2. Whether as a rule pending investigation, enquiry or trial, the custody of the animal should be given to Panjarapole?

Q.3. Whether the owner of the animal alone is liable to pay the costs of maintenance of the animals while in custody of Panjarapole?

Q.4. Whether the seizure of animal by the police in non-cognizable case under the Act of 1960 and other ancillary Acts, is legal? What is its effect on order for interim custody?



Q.5. What criteria should be adopted by the Courts while directing the interim custody of animal seized for the offence under the Act of 1960 and other ancillary Acts?"

WEB COPY

17. Answering the questions, the Gujarat High Court answered that the organisation similar to the one to which the petitioner is associated, has locus to approach the High Court and custody can be given to the organisation. However, custody of the cattle can be entrusted to the organisation only after taking into account the twin conditions mentioned in Section 29 of the Act. As far as the charges to the Ghosala is concerned, it was held that it may not be proper to direct the accused to pay the charges, considering Section 35 of the Act. Thus, the law relating to the subject is no longer res integra as the said Judgment has been already followed by this Court in Naseerullah case. In view of the same, I hold that:-

i) The petitioner has locus standi to approach this Court by way of the present revision;

ii) Since the first respondent in both cases (owners of the cattle) (a) do not have any previous case; (b) trial is yet to commence; (c) the trial Court had imposed a condition that they will upkeep and maintain the cattle and produce it as and when necessary; they are entitled for return of the cattle.

iii) The Ghosala is entitled for maintenance charges, but the owners of the cattle cannot be mulcted with the same. But, it is only the State through the second respondent to pay the maintenance charges. The third respondent is entitled to make a claim through the respondent police, to the Secretary to Government, Animal Welfare Department, Government of Tamilnadu and reasonable charges may be determined and paid by the State of Tamil Nadu.

iv) The available number of cattle as per the status report filed by the second respondent/Police to be returned to the first respondent in both the criminal revisions as per their entitlement;

v) The other conditions already imposed by the Learned Magistrate, that is, taking pictures of all the returned cattle and submitting in physical/digital form and maintaining the cattle well and producing them as and when necessary before the Court, shall be complied with by the first respondents;

vi) Finally, upon the disposal of the case, the Learned Magistrate will decide on the guilt or otherwise of the respondents/accused and also as to whether it is necessary to forfeit the cattle and pass orders under Section 457 of the Code of Criminal Procedure, upon the disposal of the case;

vii) In respect of the cattle, which are deprived from the petitioners, at that point of time, if the case is decided in favour of the petitioners the Learned Magistrate will determine the quantum of compensation to be paid to the first



respondent/owners in respect of the missing cattle and the State is liable to pay the same;

viii) As far as the framing of rules is concerned, the Government of India has framed rules viz., Prevention of Cruelty to Animals (Care and Maintenance of Case Property of Animals) Rules, 2016 in GSR No.495 E, published in the extraordinary Gazette by the Government of India, in Part II - Section 3(1) Gazette bearing No.18, dated 23.05.2017. And the matter is sub-judice before the Hon'ble Supreme Court of India in W.P.(C) No. 687 of 2019, (Buffalo Traders Welfare Association -Vs- Union of India & others). When the matter is pending for consideration by the Hon'ble Supreme Court of India, at this stage, this Court cannot carry out the exercise of framing general directions/rules.

18.With the above observations, the Criminal Revision Cases are disposed off as indicated above. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

klt
To

- 1.The District Munsif Cum Judicial Magistrate, Uthukottai.
- 2.The Inspector of Police,
Uthukottai Police Station, Uthukottai.
- 3.Indian Institute of Animal Welfare,
Venkatapuram, Thiruvellalore District,
Having its registered office at
No.3, 9th South Cross Street, Kapaleswarar Nagar,
Neelankarai, Chennai - 41.
- 4.Animal Welfare Board of Chennai,
No.13/1, 3rd Seaward Road,
Valmiki Nagar, Thirvanmiyur,
Chennai.

+lcc to M/s.Norton & Grant, Advocate SR.No.4358(17/03/2022)

Cr1.R.C.Nos.295 & 296 of 2014

ksm(CO)
A.SK(10/03/2022)

<https://hcservices.accounts.gov.in/hcservices/>
G11(17/03/2022)