



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.06.2022

CORAM

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.15653 of 2020
and
Crl.M.P.No.5971 of 2020

M.Vignesh,
S/o.Mahadevan.

.. Petitioner

Vs.

1. The State
Rep.by Inspector of Police,
C2, Periyapalayam Police Station,
Thiruvallur District.

2. S.Mohamad Usman,
S/o.SalimBasha.

.. Respondents

Prayer : The Petition is filed under Section 482 of Criminal Procedure Code, 1908 to call for the records of the impugned order dated 09.09.2020 passed by the learned District Munsif cum Judicial Magistrate, Uthukottai, Tiruvallur District in Unnumbered Crl.M.P.No. of 2020 in Crime No.1878 of 2020 and set aside the same until the disposal of this main set aside petition.

For Petitioner : Mr.S.V.Pravin Rathinam

For Respondents: Mr.A.Gopinath,
Government Advocate (Crl. Side)
for R1

Mr.S.Senthilnathan, for R2

ORDER

This petition has been filed to set aside the order passed in unnumbered Crl.M.P.No. of 2020 in Crime No.1878 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Uthukottai, Tiruvallur District.

2. On the complaint lodged by the petitioner, who is an animal welfare activist cum Trustee of M/s.All Mighty Animal Care Trust, the first respondent registered an FIR in Crime No.1878 of 2020, alleging that the second respondent is running a slaughtering house called "Al-Noor Beef Shop", wherein, they were attempted an illegal slaughtering of some animals during the time of lock down by violating the rules



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imposed during the lock down. Immediately, the first respondent registered a case in Crime No.1878 of 2020 for the offences under Section 269 and 273 of IPC and Sections 4 and 8 (2) of The Animal Preservation Act, 1958. In pursuant to the registered FIR, two cows and 1 oxen were ceased from the custody of the second respondent and produced before the learned District Munsif cum Judicial Magistrate, Uthukottai, Tiruvallur District. Immediately, the three animals were sent to the petitioner's Khosala with the instructions to take care of them till the investigation as per law. During the pendency of the investigation, the second respondent filed a petition, for the return of those animals, in unnumbered Crl.M.P.No of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Uthukottai, Thiruvallur District and by an order dated 09.09.2020, it was ordered to the petitioner to return the animals to the second respondent, on conditions that after getting back the 2 cows and 1 oxen, the second respondent is directed to take medical test to animal with assistant of Government Veterinary Doctor. Thereafter the Veterinary Doctor is directed to verify age of the animals, health conditions and if there is any illness and decide the fitness of those animals for slaughtering or agricultural purpose, thereafter, to file the examination report before the Court below. Till that time, the second respondent is directed not to sell or any other way not to alter the animals.

3. The petitioner is being the de facto complainant challenged the said order on the ground that the de facto complainant was not noticed about the petition filed for the return of animals and without giving any opportunity the same was ordered. Thereafter, an FIR has been lodged based on the Veterinary Doctor's report by adding additional charges under Section 11 of Prevention of Cruelty to Animals Act, 1960 read with Section 63 of FSSAI Act and Section 429 of IPC, therefore the petitioner requests that the animals ought not to have returned to the custody of the second respondent, as it is totally unsafe.

4. The learned counsel for the respondent submitted that during the COVID 19 pandemic circumstances, the Court below failed to mention Crl.M.P. number. Further the respondent shall comply with the conditions imposed by the trial Court, while returning animal. Therefore, there is absolutely no possibility of unsafe, if the animals returned to the second respondent's custody. However, since the second respondent is running the slaughtering house, the second respondent is having land and he can very well maintain the animals, till the report submitted by Veterinary Doctor.

5. The learned Public Prosecutor submits that an interim order passed by this Court by the order dated 08.02.2021 and it was further extended by the order dated 12.02.2021 and hence, the first respondent is not able to complete the investigation. He seeks four more weeks time to investigate



and file a final report, on receipt of the report of Veterinary Doctor.

6. Considering the above submissions, this Court finds that there is no apprehension that the second respondent will slaughter the animals, if it is returned to him, since the trial court imposed very stringent conditions. It is made clear that Veterinary Doctor, who was appointed by the first respondent, is directed to send the report within a period of two weeks from the date of receipt of copy of this order and on same day of receipt of the Veterinary Doctor's report, the first respondent is directed to complete the investigation within a period of four weeks therefrom. In that view of the case, this petition is liable to be dismissed. Accordingly, this petition is dismissed. The connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

nsa

To

The Inspector of Police,
C2, Periyapalayam Police Station,
Thiruvallur District.

+1 cc to Mr.S.Senthilnathan, Advocate Sr.NO.36666

+1 cc to MrS.V.Pravin Rathinam, Advocate Sr.NO. 36709

Cr1.O.P.No.15653 of 2020

and

Cr1.M.P.No.5971 of 2020

AD(CO)

A.SK(01/07/2022)