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Crl.R.C.No.1562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2022

CORAM :

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.1562 of 2022

Mansoor Ali

.. Petitioner

Vs.

State represented by
The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore District.
Crime No.166 of 2022

..Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the entire records comprised in Crl.M.P.No.1477 of 2022 in Crime No.166 of 2022 and set aside the order dated 03.08.2022 made by the learned District Munsif-cum-Judicial Magistrate, Madukarai, Coimbatore District and direct to release the 41 Nos. of Buffalos calf, seized by the respondent herein.

For Petitioner : Mr.M.Vimal Bobby Crimson

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case is filed against the order passed in Crl.M.P.No.1477 of 2022, dated 03.08.2022 by the learned District Munsif cum Judicial Magistrate, Madukkarai, Coimbatore District.

2. The learned counsel for the petitioner submitted that the respondent police registered a case against the petitioner in Crime No.166 of 2022 for the offence punishable under Sections 11(1)(a), 11(1)(d), 11(1)(e) and 11(1)(h) of the Prevention of Cruelty to Animals Act, 1960 and seized 41 buffalo calves.

3. The learned counsel for the petitioner further submitted that before the Magistrate Court, the petitioner claimed that he is the owner of the animals and he sought interim custody. The trial Court dismissed the petition on the ground that the safety and maintenance of the calves and for speedy trial in the interest of justice. Accordingly, the petitioner submitted that he is ready to obey any condition that may be imposed by this Court and the Court may direct to return the buffalo calves to the petitioner and set aside the impugned order.



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4. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) for the State submitted that the investigation was completed and charge sheet has also been filed, which is yet to be taken on file.

5. Recording the submission of the learned Government Advocate (Crl.Side) and on a perusal of the records, the fact reveals that the case against the petitioner registered by the respondent police in Crime No.166 of 2022. Admittedly, 41 buffalo calves were seized and he claims that he is the owner of the buffalo calves. Now the investigation was completed. Charge sheet has been filed, which is yet to be taken on file. Accepting the contention of the learned counsel for the petitioner, he being the owner of 41 buffalo calves, he is entitled to get interim custody. Therefore, the interim order is hereby set aside and order to grant interim custody of 41 buffalo calves to the petitioner on producing the required documents of proof to show his ownership before the trial Court with the following conditions:



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(i) The petitioner shall deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs Only)** in the credit of Crl.M.P.No.1477 of 2022 in Crime No.166 of 2022 within a period of fifteen days from the date on which the order copy is made ready.

(ii) The petitioner shall also give an undertaking that he will not utilize the animals for any illegal activities in future and also to produce the animals as and when required by the respondent or by the Court below as well as by the District Collector of the respective District or any authorized officer representing on behalf of the Government;

6. Accordingly, *this Criminal Revision case is allowed* by setting aside the order 03.08.2022 in Crl.M.P.No.1477 of 2022 passed by the learned District Munsif cum Judicial Magistrate, Madukkarai, Coimbatore.

14.12.2022

Internet : Yes/No

Index: Yes/No

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To

1. The District Munsif-cum-Judicial Magistrate, Madukarai, Coimbatore District.
2. The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM, J.



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