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CRL.RC.No.1631 of 2022

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 22.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.RC.No.1631 of 2022

Narasimha Rao

.. Petitioner

Vs.

The Sub-Inspector of Police,
Pollachi Town East Police Station,
Coimbatore District.

.. Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of the Code of Criminal Procedure to call for the records relating to the order dated 01.12.2022 in C.M.P.No.4607 of 2022 passed by the learned Judicial Magistrate No.1, Pollachi, Coimbatore District and set aside the same .

For Petitioner : Mr.S. Anil Sandeep

For Respondent : Mr. V. Meganathan
Govt. Advocate (crl.side)

ORDER

This Criminal Revision Case has been filed against the dismissal of the petition filed by the petitioner in Crl.MP.No.4607 of 2022, dated 01.12.2022 by the learned Judicial Magistrate No.1, Pollachi,



Coimbatore District and set aside the same.

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2. The learned counsel for the petitioner submitted that the petitioner is the owner of the 12 bulls and 22 buffalo kids and he had purchased them from an Agricultural Market Committee, Chilakaluripet, Guntur District, Andhra Pradesh on 07.11.2022. He got receipt for purchase of the said 12 bulls and 22 buffalo kids as well as valid certificate issued under Rule 96 of Transportation of Animals Rules 2001 Under Prevention of Cruelty to Animals Act, 1960. On 8.11.2022, when the cattles were transported in a Lorry bearing Registration No.AP 35 U 5786, the transport Authorities as well as the respondent police intercepted the vehicle containing 12 bulls and 22 buffalo kids and arrested the driver of the vehicle. When the driver was enquired by the respondent police, he informed that the bulls and buffalo kids are transported from Andhrapradesh to Kerala. Since the cattles are transported in violation of Prevention of Cruelty to Animals Act, 1960 without any medical certificate revealing physical condition of the cattles, the respondent police registered a case in Crime No.596 of 2022 under Section 11(1)(a) of Prevention of Cruelty to Animals Act, 1960.



3. He would further submit that the petitioner filed a petition in

CMP.No.4607 of 2022 before the Judicial Magistrate No.1, Pollachi, Coimbatore District seeking interim custody of the 12 bulls and 22 buffalo kids, but the learned Magistrate dismissed the said petition on the ground that the petitioner has not filed any document to show that he is the owner of the 12 bulls and 22 buffalo kids. Infact, to prove the ownership of the bulls and buffalo kids, the petitioner has produced the purchase receipt issued by Agricultural Market Committee, Chilakaluripet, Guntur and to prove the physical condition of the cattles, he has also produced the certificate issued under Rule 96 of Transportation of Animals Rules 2001 Under Prevention of Cruelty to Animals Act, 1960 issued by the Veterinary Assistant Surgeon, Veterinary Dispenses, Pasumarru, Chilakaluripet, Guntur, certifying that the requirements of appropriate rules relating to transport of animals and prevention of cruelty to animals have been duly complied with. However, the learned Magistrate, without considering the same in a proper perspective, refused to grant interim custody of the animals, hence, the impugned order passed by the learned Magistrate, rejecting interim custody of the animals is liable to be set aside



4. The learned Govt. Advocate (crl.side), on the other hand, supporting the impugned order, submitted that the trial court has rightly dismissed the petition seeking custody of bulls and buffalo kids on the ground that the petitioner was not able to produce any document to prove the ownership of such bulls and buffalo kids. Thus, he objected to grant interim custody of 12 bulls and 22 to the petitioner.

5. Heard both sides and perused the materials available on record.

6. According to the prosecution case, the respondent police registered a case in Crime No.596 of 2022 under section 11(1)(a) of Prevention of Cruelty to Animals Act, 1960 against the petitioner as well as the driver of the vehicle bearing Registration No.AP 35 U 5786. Further, the fact reveals that on 8.11.2022, at about 7 p.m., the Motor Vehicle Inspector, Pollachi, on his duty, stopped the abovesaid vehicle carrying 12 bulls and 22 buffalo kids near Kumar Way Bridge in Udumalai Road. On enquiry, the driver of the said vehicles viz., Srinivasa Rao had informed that the bulls and buffalo kids were transported from Andhapradesh to Kerala. Since they found that the animals are carried in the vehicles without providing adequate facilities



CRL.RC.No.1631 of 2022

for transporting in the vehicle and without furnishing proper medical certificate regarding physical conditions of the animals, they registered a case against the driver of the vehicle and also seized the 12 bulls and 22 buffalo kids and produced the same before the concerned jurisdictional Magistrate in P.R.No.240 of 2022 on 28.11.2022.

7. Perusal of cash receipt filed by the petitioner in typed set of papers, would reveal that the petitioner has purchased 12 bulls and 22 buffalo kids from an Agricultural Market Committee, Chilakaluripet, Guntur District for the value of Rs.8 lakhs. Further, a perusal of certificate issued by the Veterinary Assistant Surgeon, Guntur, reveals that the conditions for transporting the animals are complied with. In the certificate issued under Rule 96 of Transportation of Animals Rules, 2001 Under Prevention of cruelty to Animals Act, 1960, the name and address of consignee has been mentioned as P.Mariappan with mobile number. The above stated documents would clearly reveal that the petitioner is the owner of the 12 bulls and 22 buffalo kids. Therefore, the finding given by the learned Magistrate that no document was filed to show the ownership of the cattles is unsustainable. In view of the above discussion, the impugned order passed by the learned Judicial Magistrate



CRL.RC.No.1631 of 2022

No.1, Pollachi is hereby set aside. This Court is inclined to give interim custody of the 12 bulls and 22 buffalo kids to the petitioner.

8. Accordingly, the respondent is directed to grant interim custody of 12 bulls and 22 buffalo kids to the petitioner on compliance of the following conditions:

- i. the petitioner shall execute a bond for a sum of Rs.8,00,000/- (Rupees eight lakhs only) before the Judicial Magistrate No.1, Pollachi.*
- ii. the petitioner shall produce the animals as and when required before the learned Magistrate and before the respondent police.*

9. In the result, the impugned order is hereby set aside and the Criminal Revision Case is allowed with the above terms and conditions.

22.12.2022

Index :yes/no
Internet:yes/no
msr



CRL.RC.No.1631 of 2022

To

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1. The Sub-Inspector of Police,
Pollachi Town East Police Station,
Coimbatore District.
2. The Judicial Magistrate No.1, Pollachi.
3. The Public Prosecutor, High Court, Madras.



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CRL.RC.No.1631 of 2022

V. SIVAGNANAM, J.

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CRL.RC.No.1631 of 2022

22.12.2022