



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.104 of 2022

Munipandi

... Petitioner/ Petitioner

Vs.

The Inspector of Police,
Rural Police Station,
Virudhunagar District.
(Crime No.187 of 2021)

...Respondent/ Respondent

Prayer : This Criminal Revision has been filed under Section 397(1) r/w 401 of Criminal Procedure Code, to set aside the order passed by the learned Judicial Magistrate No.II, Virudhunagar in Cr.M.P.No.6341 of 2021 dated 11.11.2021 and allow the Criminal Revision Petition.

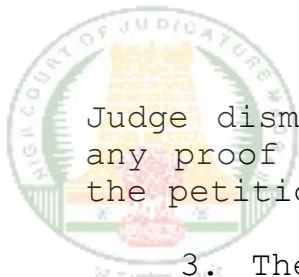
For Petitioner : Mr.A.Vadivel

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Criminal Side)

O R D E R

The case of the prosecution is that the petitioner/A.1 is the owner of the cattle (3 bulls, 1 calf and 3 cows) totally 5 Nos. of cattles. The above said cattle have been purchased in the Cattle Santhai/Market in Paramakudi on 21.10.2021. On the day, the defacto complainant one Sunitha received an information that one TATA ACE in bearing No.TN 67 BH 8671, in which, reportedly the petitioner has transported the said cattle. When the defacto complainant contacted the respondent police intercepted and stopped that vehicle, but has not like that. Thereafter, the defacto complainant alone intercepted and stopped the vehicle. Further, the driver and cleaner had attempted to murder the defacto complainant. Subsequently, the respondent police have registered the FIR in Crime No.187/2021 under Sections 429, 506 (i) IPC and 11(1)(d), 11 (1)(e) Prevention of Cruelty to Animals Act, 1960.

2. Thereafter, the petitioner has filed a petition for returning the seized cattle and the same was dismissed by the learned Judicial Magistrate No.II, Virudhunagar on the ground that the cattle were transported to butchering purpose. The learned



Judge dismissed the petition on presumption and assumption without any proof of evidence to show that the cattle were transported by the petitioner for butchering purpose.

3. The learned counsel for the petitioner submitted that the petitioner has purchased the cattle for the purpose of his agriculture and also milk purpose.

4. In view of the above, the order of the learned Judicial Magistrate No.II, Virudhunagar in Crl.M.P.No.6341 of 2021, dated 11.11.2021 is set aside and the cattle are released on the following conditions:-

(i) The petitioner is directed to execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the learned Judicial Magistrate No.II, Virudhunagar with two sureties for a like sum each.

(ii) The seized items should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

5. Accordingly, this petition is allowed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar

To:-

1.The Judicial Magistrate No.II,
Virudhunagar.

2.The Inspector of Police,
Rural Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.VADIVEL, Advocate (SR-5295[F] dated 10/02/2022)

JUDGMENT MADE IN
Crl.R.C.(MD)No.104 of 2022
10.02.2022

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MS/22.02.2022/2P.5C