



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.326 of 2021

k.Vijayalakshmi

... Petitioner/Complainant

Vs.

1.Sikkandar

... 1st Respondent/Accused

2.The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.

... 2nd Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order passed in Cr.M.P.No.2692 of 2020 dated 16.12.2020 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam and set aside the same.

For Petitioner

: Mr.R.Suriyanarayanan

For R - 1

: Mr.P.Ganapathi Subramanian

For R - 2

: Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

ORDER

This revision has been filed to set aside the order passed in Cr.M.P.No.2692 of 2020, dated 16.12.2020 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, thereby dismissed the complaint lodged for a direction under Section 156(3) of Cr.P.C.

2.The crux of the allegation is that the first respondent and his associates have attacked the street dogs with intention to kill them by sticks and thereby they also killed three dogs. It amounts to punishable under the Prevention of Cruelty to Animals Act. However, the Court below dismissed the petition for the reason that there are no incriminating conduct against the accused mentioned in the complaint.

3.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned Government Advocate (Criminal Side) appearing for the second respondent and perused the materials available on record.

4.On a perusal of the media evidence and photographs filed along with the petition, there are substance for incriminating the



accused into the offence as alleged by the petitioner herein. The first respondent is the President of Thirumayam Panchayat Union. Whereas, the photographs shows that some other person engaged in the dog catching.

5.The learned counsel appearing for the petitioner would submit that the first respondent only engaged them to catch the dogs for killing them, but there is absolutely no evidence to connect the first respondent that he only engaged the person to catch the dog and kill them. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. However, the petitioner is at liberty to lodge a fresh complaint against the person, who killed the dog, with all evidence. If any complaint lodged before the police personnel, the said police personnel can act without influence of any observation made by the learned Magistrate.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Munsif cum Judicial Magistrate,
Thirumayam.

2.The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.

Copy to

The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

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