



Crl.R.C.(MD) No.1038 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2022

CORAM:

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

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Kasimayan

... Petitioner/owner of the bullocks

Vs.

State through
The Inspector of Police,
Devathanapatti Police Station,
Theni District,
(In Crime No.372/2022).

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order passed by the Principal Sessions Judges, Theni in Crl.M.P.No.3937 of 2022 in Crime No. 372 of 2022 dated 18.10.2022 and set aside and handover the seized two bullocks to the petitioner.

For Petitioner : Mr.S.Vikram

For Respondent : Mr.S.Manikandan
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Petition is filed to set aside the order passed by the Principal Sessions Judge, Theni, in Cr.M.P.No.3937 of 2022, dated 18.10.2022 and handover the seized two bullocks to the petitioner.

2. The revision preferred against the order that has been passed by the learned Principal Sessions Judge, Theni, seeking to produce two bullocks involved in Crime No.372 of 2022, which was registered for the offence under Section 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act. Finding that the petitioner is involved in previous case in similar nature, that petition was dismissed. Challenging the same, the present revision is preferred.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the bullocks, which were seized by the respondent police in the above Cr.No.372 of 2022 and handed over to the Amma Trust Virudhunagar District for safe custody. He would further submit that the said



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bullocks were used by the petitioner for lawful purpose and the entire livelihood of the petitioner's family is depending upon the income derived from using the said bullocks. He would further submit that the petitioner has never involved in such an illegal activity. Without verifying the same, the respondent police foisted a false case. Hence, the learned counsel prays for producing the two bullocks on interim custody.

4.The learned Government Advocate (criminal side) appearing for the respondent police strongly opposed to grant interim custody of the said bullocks to the petitioner, since 5 previous cases were pending against the petitioner in similar nature.

5.Heard both sides.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is the owner of the said bullocks and he alone can take proper care of the same, this Court is inclined to allow this Revision Case.



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7. Accordingly, this Criminal Revision Petition is **allowed** and the order dated 18.10.2022 in Cr.M.P.No.3937 of 2022 in Crime No.372 of 2022, on the file of the Principal Sessions Judge, Theni, is hereby set aside on the following conditions:-

- (a) the petitioner shall pay a sum of **Rs.5,000/- (Rupees five thousand only)**, to the Amma Trust, Virudhunagar District. On such deposit, Amma Trust, Virudhunagar District is directed to release the petitioner's two bullocks; and
- (b) the petitioner shall produce the said bullocks before the Court and before the respondent police as and when required.

02.11.2022

Index : Yes/No

Internet : Yes/No

skn

Note: Issue order copy on 18.11.2022

To:-

1. The Principal Sessions Judge,
Theni



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- 2.The Inspector of Police,
Devathanapatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN., J

skn

ORDER MADE IN
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