



WEB COPY



CRL.RC.No.306 of 2023

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.RC.No.306 of 2023

Haris M

.. Petitioner

Vs.

The State, represented by its
Inspector of Police
Arambakkam Police Station,
Tiruvallur District
Crime No.175 of 2022

.. Respondent

Prayer: Criminal Revision Case is filed under Section 401 r/w.397 Cr.P.C. to set aside the order dated 29.12.2022 passed in CrI.M.P.No.3209 of 2022 in Crime No.175 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Gummidipoondi and direct to release 65 buffaloes .

For Petitioner : Mr. A.Thameem Mohideen

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



CRL.RC.No.306 of 2023

ORDER

WEB COPY

This Criminal Revision Case has been filed against the dismissal of the petition filed by the petitioner in Crl.MP.No.3209 of 2022, dated 29.12.2022 by the learned District Munsif cum Judicial Magistrate Court, Gummidipoondi and set aside the same and direct to release 65 buffaloes.

2. The learned counsel for the petitioner submitted that the respondent police registered a case against the petitioner for the offence under sections 294(b), 353, 506(i), 428, 429 of IPC and section 11(1)(a), 11(1)(e) and 11(1)(h) of the Prevention of Cruelty to Animals Act, 1960 in Cr.No.175/2022 and seized 65 buffaloes belonging to the petitioner. The petitioner is the owner of the 65 buffaloes. He had purchased the buffaloes from Vivasaya Market Committee, Dendaluru, as per the receipt No.23569, dated 25.08.2022 and he being the owner, transported the animals to Palakkad, Kerala for agricultural, farming and for breeding purposes. While transporting the animals, the police intercepted the vehicle, in which the animals were transported and seized 65 buffaloes stating that they were transported in violation of Prevention of Cruelty to Animals Act, 1960 on 25.08.2022. The petitioner filed a



CRL.RC.No.306 of 2023

petition before the court below in CrI.M.P.No.3209 of 2022 in Cr.No.175 of 2022 , but the court below, without considering the contention of the petitioner and materials produced, dismissed the petition by passing the impugned order. Hence, the same is challenged in the present criminal revision case. Thus, he prayed to set aside the impugned order and further prayed to grant interim custody of 65 buffaloes.

3. The learned Govt. Advocate (crl.side), on the other hand, supporting the impugned order, submitted that 65 buffaloes were seized by the police since the petitioner had transported the buffaloes in a lorry in violation of provisions under Prevention of Cruelty to Animals Act, 1960. Hence, a case was registered in Cr.No.175 of 2022 for the offence sections 294(b), 353, 506(i), 428, 429 of IPC and section 11(1)(a), 11(1)(e) and 11(1)(h) of the Prevention of Cruelty to Animals Act, 1960 in Cr.No.175/2022. The trial court dismissed the petition for not producing any documents relating to ownership of the animals by the petitioner, hence, the impugned order is in order. Thus, there is no ground to interfere with the order passed by the court below and prayed for dismissal of this petition.



CRL.RC.No.306 of 2023

WEB COPY

4. On verification and perusal of records, the fact reveals that on 25.08.2022, at about 17 hours, the respondent police, while involving in checking of vehicles at check post, found Ashok Leyland Lorry bearing Regn. No.KA 01 AM 1314 came from Andhra State. The police intercepted the vehicle and searched the lorry and found that 65 buffaloes were transported in the lorry without following any safety measures. Hence, they seized the lorry along with 65 buffaloes, pursuant to which, lorry driver and others persons travelling in the lorry were arrested and thereafter, they were released on bail. The lorry was also released. Now the buffaloes are kept in a Goshala, namely the Trustee Peoples for Animals, Ammambakkam, Seethanjeri, Uthukottai Taluk, Tiruvallur District. The contention of the petitioner is that he is the owner of the 65 buffaloes which were purchased on 25.08.2022 from Vivasaya Market Committee on 25.08.2022. To that effect, he filed the receipt No.23569 and while he transmitted the animals from Andhrapradesh to Kerala, the police intercepted and seized and handed over the custody of the buffaloes to the abovesaid Gosalai. The trial court dismissed the petition seeking interim custody of the petitioner on the ground that the petitioner has not proved the ownership of such



animals. Perusal of records would reveal that the petitioner has produced a receipt for purchase of such animals from Vivasaya Market Committee, Dendaluru which proves that the petitioner is the owner of 65 buffaloes. Therefore, this court is of the view that the petitioner is the owner of the animals and he is entitled for interim custody of animals.

5. Accordingly, the impugned order passed by the learned District Munsif cum Judicial Magistrate Court, Gummidipoondi is hereby set aside. The respondent is directed to grant interim custody of 65 buffaloes to the petitioner on compliance of the following conditions:

- i. the petitioner shall show the proof of ownership of 65 buffaloes.*
- ii. the petitioner shall execute a bond for a sum of Rs.6,00,000/- (Rupees six lakhs only) before the District Munsif cum Judicial Magistrate Court, Gummidipoondi.*
- iii. the petitioner shall keep the animals in healthy condition with periodical check up by a Veterinarian Doctor*
- iv. the petitioner shall produce the animals as and when required before the District Munsif cum Judicial Magistrate Court, Gummidipoondi and before the respondent police.*



CRL.RC.No.306 of 2023

WEB COPY

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

02.03.2023

Index :yes/no
Internet:yes/no
msr

To

1. The Inspector of Police
Arambakkam Police Station,
Tiruvallur District
2. The District Munsif cum Judicial Magistrate,
Gummidipoondi
3. The Public Prosecutor, High Court, Madras.

V. SIVAGNANAM, J.



WEB COPY



CRL.RC.No.306 of 2023

msr

CRL.RC.No.306 of 2023

02.03.2023