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CRL.RC.No.469 of 2023

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.RC.No.469 of 2023

V. Raja

.. Petitioner

Vs.

The State, represented by
Inspector of Police,
Kavarapettai Police Station,
Tiruvallur

.. Respondent

Prayer: Criminal Revision Case is filed under Section 397 and 401 Cr.P.C. to call for the records and set aside the order in CrI.M.P.No.1552 of 2022 passed by learned District Munsif cum Judicial Magistrate, Gummudipoondi on 03.08.2022 and issue direction to the respondent police to return the cattle.

For Petitioner : Ms.Swathi.J

For Respondent : Mr. R.Vinoth Raja
Govt. Advocate (crl.side)

ORDER



CRL.RC.No.469 of 2023

WEB COPY

This Criminal Revision Case has been filed against the dismissal of the petition filed by the petitioner in Crl.MP.No.1552 of 2022, dated 03.08.2022 by the learned District Munsif cum Judicial Magistrate Court, Gummidipoondi and set aside the same and issue a direction to respondent police to return the cattle.

2. The learned counsel for the petitioner submitted that the respondent police has registered a case against the petitioner for illegally transporting 6 cows and a bull, in a vehicle namely Mahindra Bolero bearing Regn.No.AP 39 TH 7328, in violation of Prevention of Cruelty to Animals Act, 1996 in Cr.No.163 of 2022 for commission of alleged offence under sections 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 and seized the above said animals belonging to the petitioner. The petitioner is the owner of the 6 cows and a bull. He had purchased the animals from one Pullaiah in Naidupettai, Andhrapradesh on 13.07.2022 for the purpose of milking and breeding. Since, he purchased the above animals from an individual, he was not issued with receipt for purchasing of such animals, thus, he was not able to produce any receipt to prove that he is



CRL.RC.No.469 of 2023

the owner of such animals. Seeking custody of the animals, the petitioner filed a petition before the court below in CrI.M.P.No.1552 of 2022 in Cr.No.163 of 2022, but the court below, without considering the contention of the petitioner, dismissed the same on the ground that he has not produced any evidence to prove the ownership of such cattle. 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 6 cows and a bull.

3. The learned Govt. Advocate (crl.side), on the other hand, supporting the impugned order, submitted that 6 cows and a bull were seized by the police since the petitioner had transported the animals in a lorry in violation of provisions under Prevention of Cruelty to Animals Act, 1960. 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.

4. Heard both sides and perused the impugned order and entire



CRL.RC.No.469 of 2023

material evidence on record.

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5. On verification and perusal of records, the fact reveals that based on a complaint given by one V.S.K.Tamilselvam, President, Tamizhaga Indu Munnani Niruvanam on 13.07.2022 alleging that the abovesaid animals were suspiciously transported in a vehicle bearing Regn.No.AP 39 TH 7328 without following safety measures, a case has been registered against the petitioner in Cr.No.163 of 2022 for commission the offence under sections 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 and subsequently, the animals were seized by the respondent police and now they were kept under the custody of a Cow Barn, Kacchur, Thiruvallur. Now the petitioner claims that he is the owner of the cattle and he purchased such cattles for the domestic purpose of milking and breeding. According to the petitioner, as he has purchased the cows from individuals, he was not issued with receipt for such purchase, therefore, he was not able to produce the same before the court below. The trial court dismissed the petition seeking custody of the petitioner on the ground that the petitioner has not proved the ownership of such animals.

In the circumstances, this court is of the view that the petitioner is



entitled for interim custody of the above said cattle. Accordingly, the petitioner is entitled to take custody of the 7 cows and a bull seized by the respondent police.

6. 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 6 cows and a bull to the petitioner on compliance of the following conditions:

- i. the petitioner shall file an affidavit of undertaking before the court below that he would maintain the cattle in a healthy and safe condition with periodical check up with veterinarian Doctor.*
- ii. the petitioner shall execute a bond for a sum of Rs.3,00,000/- (Rupees three 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*



CRL.RC.No.469 of 2023

before the respondent police.

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

13.03.2023

Index :yes/no
Internet:yes/no
msr

To

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

V. SIVAGNANAM, J.



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CRL.RC.No.469 of 2023

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CRL.RC.No.469 of 2023

13.03.2023