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Crl.R.C.No.482 of 2023

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 15/3/2023

C O R A M

THE HONOURABLE Mr.JUSTICE V.SIVAGNANAM

Crl.R.C.No.482 of 2023

S. Munaf

...

Petitioner

Vs

State

rep. By The Inspector of Police
T 16 Nazarethpet Police Station
Tiruvallur District.

...

Respondent

Prayer: Criminal Revision Case filed under Section 401 r/w. 397 of the Code of Criminal Procedure to set aside the order, dated 23/1/2022 passed in Crl.M.P.No.4014 of 2022 in Crime No.280 of 2022 on the file of the Judicial Magistrate No.I, Poonamallee and direct to release 35 + 2 buffaloes.

For Petitioner

...

Mr.A.Thameem Mohideen

For Respondent

...

Mr.R.Vinoth Raja
Government Advocate
(Criminal Side)

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ORDER

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This Criminal Revision Case has been filed to set aside the order, dated 23/1/2022, passed in Crl.M.P.No.4014 of 2022 in Crime No.280 of 2022, on the file of the Judicial Magistrate No.I, Poonamallee and direct to release 35 + 2 buffaloes.

2. Brief facts which are necessary for the disposal of this case are as follows:-

The petitioner is the owner of 35 + 2 buffaloes, which were purchased, on 6/10/2022 and transited from Nellore, Andhra Pradesh to Pollachi, Tamil Nadu. The Tahsildar, Poonamallee, on 7/10/2022, during the vehicle inspection, at Nazarethpet outer Ring road, at 12.15 a.m., seized 35 + 2 buffaloes along with the vehicle, bearing Registration No.AP-03-TE-5212 (Ashok Leyland), alleging that buffaloes were illegally transported, in violation of the Prevention of Cruelty to Animals Act, 1960, without any document and permit and the same was handed over to the respondent.

3. The respondent Police had registered a First Information



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Report, in Crime No.280 of 2022, dated 7/10/2022, for the alleged offences, under Section 11 (1) (d) of the Prevention of Cruelty to Animals Act, 1960. After registration of F.I.R, the buffaloes were transported to Goshala, a private barn, Trustee People for Animals, Ammambakkam Seethanjeri, Uthukottai Taluk, Tiruvallur District, for interim custody.

4. The petitioner had filed Crl.M.P.No.4014 of 2022, in Crime No.280 of 2022, on the file of the learned Judicial Magistrate No.I, Poonamallee. Vide, order, dated 23/1/2023, the learned Judicial Magistrate had dismissed the petition and declined to release the buffaloes. Being aggrieved, the petitioner has come before this Court, praying for the relief as stated supra.

5. Heard Mr.A.Thameem Mohideen, learned counsel for the petitioner and Mr.R.Vinothraja, learned Government Advocate (Criminal Side) for the respondent.

6. The learned counsel appearing for the petitioner submitted that



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the petitioner is not an accused of any offence. Two accused were already released on bail and the seized vehicle was also returned to the owner of the vehicle.

7. The learned Government Advocate (Criminal Side) submitted that the petitioner had purchased the buffaloes for a sum of Rs.5,50,000/- and since the petitioner had transported the buffaloes, without following safety measures, as prescribed under the Prevention of Cruelty to Animals Act, 1960. Hence the respondent Police had registered a case in Crime No.280 of 2022, for the offence punishable, under Section 11 (1) (d) of the Prevention of Cruelty to Animals Act, 1960.

8. Perused the materials available on record.

9. It is not in dispute that the petitioner had transited 35 + 2 buffaloes from Nellore, Andhra Pradesh to Pollachi, Tamil Nadu. During inspection, the Tahsildar, Poonamallee, had seized 35 + 2 buffaloes along with the vehicle bearing Registration No.AP-03-TE-5212 (Ashok Leyland), alleging that buffaloes were illegally transported in violation of the Prevention of Cruelty to Animals Act, 1960, without any document



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and permit and the same was handed over to the respondent. Therefore, a case in Crime No.280 of 2022, has been registered for the alleged offence punishable under Section 11 (1) (d) of the Prevention of Cruelty to Animals Act, 1960.

10. A careful perusal of the materials available on record would indicate that the petitioner had purchased buffaloes, for a sum of Rs.5,50,000/- and he had also paid Rs.5,500/- towards cess. To substantiate his case, the petitioner has enclosed Receipt No.204251 issued by the Agricultural Market Committee, Nellore.

11. In such a view of the matter, this court is inclined to grant interim custody of the animals to the petitioner.

12. Accordingly, this Criminal Revision Case is allowed and the impugned order, dated 23/1/2022, passed in Crl.M.P.No.4014 of 2022 in Crime No.280 of 2022, on the file of the Judicial Magistrate No.I, Poonamallee is hereby set aside. The respondent Police is directed to grant interim custody of 35 +2 buffaloes to the petitioner on compliance of the following conditions:



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- i. the petitioner shall show the proof of ownership of 35 + 2 buffaloes;
- ii. the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees five lakhs only) before the learned Judicial Magistrate No.I, Poonamallee.
- iii. the petitioner shall keep the animals in healthy and good condition with a periodical inspection by the Veterinary Doctor and shall produce the animals as and when required before the learned Judicial Magistrate No.I, Poonamallee, and before the respondent police.

15/3/2023

Index :yes/no

Neutral Citation: Yes/No

mvs.

To

1. The Judicial Magistrate No.I, Poonamallee
2. The Inspector of Police
T 16 Nazarethpet Police Station
Tiruvallur District.
3. The Public Prosecutor, High Court, Madras.

V. SIVAGNANAM, J

mvs.



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