

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.03.2023

CORAM

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD. No.5595 of 2023

Ranjith @ Padayappa

... Petitioner

Vs

1.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

2.The Manager,
Nandhi Kishore Kosalai,
Agraharam Theru,
Ranganathapuram,
Thirukattupalli,
Budalur,
Thanjavur.

Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 1st respondent to communicate the 2nd respondent to return the bulls to the petitioner forthwith sent by 1st respondent to the 2nd respondent in the light of the petitioner's representation, dated 14.03.2023.

For Petitioner : Mr.R.L. Dhilipan Pandian

For Respondent : Mr. B. Nambi Selvan
Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to the 1st respondent to communicate the 2nd respondent to return the bulls to the petitioner forthwith sent by 1st respondent to 2nd respondent in the light of the petitioner's representation, dated 14.03.2023.

2.It appears that even though the cart has been recovered as per the seizure mahazar, the bulls that have been tied with the cart are not the case properties. Hence, they have been sent to the Kosalai, who is the second respondent herein. Only the acknowledgment has been produced.

3.The learned Additional Public Prosecutor submitted that since the petitioner was arrested on the spot itself and no person is available to take care of the bulls, they have been sent to the Kosalai for the purpose of maintenance.

4. Since the property has not been shown as case properties, there is no remedy is available to the petitioner under Section 451 Cr.P.C.

5. There shall be a direction to the second respondent to hand over the bulls to the petitioner under proper acknowledgment and also on execution of bond for Rs.25,000/- (Rupees Twenty Five Thousand only) for the above said bulls before the respondent police. The petitioner also directed to bear the expenses of the maintenance amount of the above said Kosalai at the rate of Rs.250/- per day.

5. With the above directions, this Criminal Original Petition is disposed of.

27.03.2023

Index : Yes / No
Internet: yes / No
trp

To

1.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGOVAN,J

trp

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Date : 27.03.2023