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Crl.R.C.No.1460 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1460 of 2022

And

Crl.M.P.No.16439 of 2022

M.Vignesh

... Petitioner

Vs.

1.Varadhan

2.State, Represented by
Inspector of Police,
T16, Nazarathpet Police Station,
Thiruvallur District.

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order dated 12.10.2022 passed by the learned Judicial Magistrate No.1, Poonamallee in Crl.M.P.No.2954 of 2022 in Crime No.234 of 2024 registered by the Inspector of Police, T-16 Nazarathpet Police Station.

For Petitioner : Mr.R.Parthasarathy
For Respondents : M/s.R.Sasikumar for R1
Mr.A.Gopinath for R2
Government Advocate (Crl. Side)

O R D E R

This criminal revision has been filed seeking to set aside the



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order dated 12.10.2022 passed by the learned Judicial Magistrate No.1, Poonamallee in CrI.M.P.No.2954 of 2022.

2.The learned counsel appearing for the petitioner submitted that the petitioner is running a Goshala for the purpose of taking care of the abandoned cows and calves and the petitioner's service was recognized by this Court as well as by the Hon'ble Apex Court. The learned counsel further submitted that whenever, the law enforcing agency seized the cows meant for slaughtering, the same would be granted in custody to the petitioner's Goshala. The petitioner came to know that the respondent transported three cows and three calf for slaughtering purpose and informed the same to the law enforcing agency and the law enforcing agency registered a case in Crime No.234 of 2022 for the offence under Section 429 of I.P.C. and Section 11(1)(d) of Prevention of Cruelty of Animals Act, 1960 and seized the vehicle involved in the transportation of cows and calf. Thereafter the respondent filed CrI.M.P.No.2954 of 2022 under Section 451 of Cr.P.C. before the learned Judicial Magistrate No.1, Poonamallee, seeking to release the vehicle and the said petition was allowed vide order dated 12.10.2022.



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3.The learned counsel appearing for the petitioner further submitted that the Goshala was created to prevent the animals being sent to slaughtering house. Immediately after the seizure of the animals they were sent to the petitioner's Goshala for care and food and the same was not appreciated by the trial Court. The learned counsel further submitted that this Court may allow the petitioner to maintain the three cows and calves and issue direction to the law enforcing agency to conduct investigation and if the investigation reveals that the cows and calves are not meant for slaughtering and it is only sold to other persons for milking purpose, then the law enforcing agency may allow the petitioner to return the cows and calves to the person who purchase the cows and calves.

4.The learned Government Advocate (Crl. Side) raise no serious objection.

5.In view of the above, the order dated 12.10.2022 passed by the learned Judicial Magistrate No.1, Poonamallee in Crl.M.P.No.2954 of 2022 is set aside. The three cows and three calves seized in connection with Crime No.234 of 2024 shall be handed over to the



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petitioner by the second respondent Police if not handed over. The petitioner shall maintain the three cows and calves in good condition. The law enforcing agency shall conduct investigation and after filing of either referred charge sheet or charge sheet, the petitioner is directed to return the cows and calves to the person who purchase the cows and calves.

6.This criminal revision case is disposed of on the above terms. Consequently, the connected miscellaneous petition is closed.

03.07.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Judicial Magistrate No.1,
Poonamallee.
- 2.The Inspector of Police,
T16, Nazarathpet Police Station,
Thiruvallur District.



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M.DHANDAPANI,J.
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