

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 11705 OF 2024

Between:

Akkala Thirupathi, S/o.Pochaiah, Aged about 54 Years, Occ Agriculture,
R/o.H.No.1-20, Gudem, Dendepalli, Mancherla.

...PETITIONER/ACCUSED

AND

The State of Telangana, Through SHO, PS Chinthalamaanepalli, Rep by
Public Prosecutor, High Court at Hyderabad.

...RESPONDENT

Petition under Section 528 of BNSS, praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash order in CrI.M.P No 221 of 2024 in Cr.No. 117 of 2024 (PS Chinthalamanepalli), dated 04/09/2024 on the file of Hon'ble Junior Civil Judge Cum Judicial Magistrate First Class at Sirpur T and thereby allow the same.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/s. K. RAJASHEKAR, Advocate for the Petitioner and the Public Prosecutor, state of Telangana, on behalf of the Respondent.

The Court made the following: ORDER:-

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.11705 of 2024

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS') by the petitioner to quash the docket order dated 04.09.2024 passed in CrI.M.P.No.221 of 2024 in Crime No.117 of 2024 by the Junior Civil Judge-Cum-Judicial Magistrate of First Class at Sirpur-T. By the impugned order, the petition filed by the petitioner under Section 503 of the BNSS, seeking for returning of the seized property i.e., 04 Bulls, was dismissed.

2. Heard Sri K.Rajashekar, learned counsel for the petitioner and Sri M.Vivekananda Reddy, learned Assistant Public Prosecutor for respondent – State.

3. Learned counsel for the petitioner submitted that the petitioner purchased 04 bulls for the purpose of the agriculture. He further submitted that there is every possibility of death of the bulls, if they are kept idle in the Goshala due to lack of maintenance and it will cause prejudice to the petitioner. Hence, he prayed this Court to allow the Criminal Petition

4. In case of **Manager Pinjrapore Deudar and Another v. Chakram Morarji Nat and Others¹**, the Apex Court held that the seized animals have to be returned to their respective owners for taking better care of the said animals. Considering the principal laid down in the aforesaid decision and having regard to the submissions of the learned counsel for the petitioner, since the petitioner being agriculturist purchased 04 bulls for the purpose of agriculture, this Court is inclined to direct the trial Court to return the seized property i.e., 04 bulls to the petitioner herein by imposing appropriate conditions thereon.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Junior Civil Judge-cum- Judicial Magistrate of First Class at Sirpur-T. Kumarambeem District.
 2. The SHO, PS Chinthalamaanepalli, Kumarambeem District.
 3. One CC to SRI. K. RAJASHEKAR Advocate [OPUC]
 4. Two C.Cs. PUBLIC PROSECUTOR, High Court for the state of Telangana at Hyderabad Advocate [OPUC].
 5. Two CD Copies
- VGS/gh



HIGH COURT

DATED:30/09/2024



ORDER

CRLP.No.11705 of 2024

CRIMINAL PETITION IS DISPOSED OF

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H.M.A.
22/10/2024