



Crl.R.C.No.1551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.10.2024
PRONOUNCED ON : 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1551 of 2024

K.Ravikumar

... Petitioner / Petitioner

Vs.

1.State Represented by
Inspector of Police,
Acharapakkam Police Station,
Kancheepuram District.
Crime No.249/2024

... Respondent / Respondent

2.M.Vignesh

... Respondent / Intervener

PRAYER : Criminal Revision Petition filed under Section 438 R/W 442 of B.N.S.S., to set aside the order dated 28.08.2024, passed in Crl.M.P.No.663 of 2024 in Crime No.249/2024, on the file of the Judicial Magistrate No.II, Madurantakam and direct the 1st Respondent to return the seized vehicle, Ashok Leyland Good Carrier in Registration No.KA-51-AG-7777 and handover to the petitioner.



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For Petitioner : Mr.R.John Sathiyar
Senior Counsel
For Mr.A.Thameem Mohideen

For R1 : Mr.A.Damodaran
Addl.Public Prosecutor

For 2nd Respondent : Mr.Sathish Parasaran
Senior Counsel
For Mr.Rahul Balaji

ORDER

The Criminal Revision Case is filed to set aside the order dated 28.08.2024, passed in Crl.M.P.No.663 of 2024 in Crime No.249/2024, on the file of the learned Judicial Magistrate No.II, Madurantakam and direct the 1st Respondent to return the seized vehicle, Ashok Leyland Good Carrier, bearing Registration No.KA-51-AG-7777 and handover to the petitioner.

2. Mr.R.John Sathiyar, the learned Senior Counsel appearing for the Petitioner would submit that the petitioner is the owner of the vehicle, viz., Ashok Leyland Goods Carrier, bearing Registration No.KA-51-AG-7777. The said vehicle hired for transportation of Buffaloes from Nellore, Andhra Pradesh to Pollachi, Tamil Nadu, on 17.08.2024. The



owner of vehicle holding necessary permit, transported the Buffaloes upon hire from the owner of the Buffaloes. On 17.8.2024, during transportation, the 1st Respondent Police, intercepted the Vehicle and found that 45 cows are inside the vehicle without sufficient space, held in a horrific manner, without providing food and water lying exhausted with the chillies applied on the eyes, leaving the eyes red and with tears. Those cows were lying one over the other. Hence, the 1st respondent registered a case in Crime No. 249 of 2024 against the petitioner for the offence under Section 325 of the Bharatiya Nyaya Sanhita and Section 11(1) (a), 11(1)(b), 11(1) (d) and 11(1) (e) of the Prevention of Cruelty to the Animals Act, 1960. The 1st respondent seized the Container Lorry and the Cattle. Upon confiscation, the Cattle were sent to "Sri Gokulakrishna Kosala", Tiruvallur District, under an interim detention of the Cattle by the 1st Respondent Police. Hence, the petitioner filed a Petition in C.M.P.No.663 of 2024 before the learned Judicial Magistrate No.II, Madurantakam, for release of vehicle, which was dismissed, as the vehicle had earlier involved in similar offence.

3. Mr.Sathish Parasaran, the learned Senior Counsel appearing for the 2nd respondent / intervener would submit that the 2nd Respondent/Intervener, is the President of "Almighty Animal Care Trust".



When the vehicle was intercepted by the Police, it was found that there were 45 cows inside the vehicle without sufficient space, held in a horrific manner, without providing food and water lying exhausted with the chillies applied on the eyes, leaving the eyes red and with tears. Those cows were lying one over the other. Hence, the 1st Respondent Police registered the case against the petitioner. It his further submission that the vehicle involved in this case had already involved in same kind of offence transporting Cattle in an inhumane condition and hence, strongly objected for release of vehicle.

4.Mr.A.Damodaran, the learned Additional Public Prosecutor appearing for the 1st respondent Police would submit that the vehicle involved in this case had already involved in similar kind of offence and if the vehicle released again, it will be used in the same kind of offence in future and hence, strongly objected for release of vehicle.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. It is not in dispute that the petitioner is the owner of the vehicle, viz., Ashok Leyland Goods Carrier, bearing Registration No.KA-51-AG-



7777. According to the petitioner, the said vehicle hired for transportation of Buffaloes from Nellore, Andhra Pradesh to Pollachi, Tamil Nadu, on 17.08.2024. On the basis of the complaint given by the 2nd respondent on 17.8.2024, the 1st Respondent Police, intercepted the Vehicle and found that 45 cows are inside the vehicle without sufficient space, held in a horrific manner, without providing food and water lying exhausted with the chillies applied to the eyes, leaving the eyes red and with tears. Hence, the 1st respondent after registration of the case against the petitioner in Crime No. 249 of 2024 seized the vehicle and cattle. Hence, the petitioner filed a Petition in C.M.P.No.663 of 2024 before the learned Judicial Magistrate No.II, Madurantakam, for return of vehicle and the same was dismissed on the ground that the vehicle involved in the case had earlier involved in similar offence. Aggrieved over the same, the petitioner is before this Court with the present Revision.

7. It is seen from the records that the same Container Lorry, bearing Registration No.KA-51-AG-7777, earlier used to transport Cattle in Crime No.216 of 2024. Earlier, the trial Court released the vehicle, on the petition filed by the Petitioner for release of vehicle in C.M.P.No.542 of 2024, on 24.07.2024. Now, the same container lorry used for transporting the Cattle once again in an inhumane manner, in Crime No.249 of 2024



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and it is in clear violation of the conditional order passed by the trial Court, while returning the vehicle. The petitioner continuously used his vehicle knowingly the Cattle are for slaughtering. Hence, the trial Court has rightly rejected the relief sought for by the petitioner and dismissed the petition. I have no reason to interfere with the findings of the trial Court and the present Revision is liable to be dismissed.

8. In the result, the Criminal Revision Case stands dismissed.

31.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To

- 1.The Judicial Magistrate No.II,
Madurantakam
2. The Inspector of Police,
Acharapakkam Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Chennai.



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M.NIRMAL KUMAR, J.

vv2

Pre-Delivery Order made in

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