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Crl.R.C.Nos.1421, 1461 & 1433 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.10.2024
PRONOUNCED ON : 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.Nos.1421, 1461 & 1433 of 2024

1. Abbas Manthiri	... Petitioner in Crl.RC.1421/2024
2. Mariyappan	... Petitioner in Crl.RC.1433/2024
3.Thiyagarajan	... Petitioner in Crl.RC.1461/2024

Vs.

1.State Represented by Station House Officer, Chengalpattu Taluk Police Station, Crime No.192/2024	... 1 st Respondent in Crl.R.C.Nos.1421 & 1433/2024
2.State Represented by Inspector of Police, Acharapakkam Police Station, Chengalpattu District Crime No216/2024	... 1 st Respondent in Crl.R.C.No.1461/2024
3.M.Vignesh	... 2 nd Respondent in Crl.R.C.Nos.1421 & 1433/2024
4.R.Raguram Sharma	... 2 nd Respondent in Crl.RC.1461/24



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COMMON PRAYER in CRL RC.1421 & 1433/2024: Criminal Revision Petitions filed under Sections 338 R/W 442 of B.N.S.S, to set aside the order dated 22.07.2024 passed in Crl.M.P.No.1137 of 2024 & Crl.M.P.No.1138 of 2024 respectively in Crime No.192/2024, on the file of the Judicial Magistrate No.II, Chengalpattu and direct to release 22 Bulls & 2 Calves and 21 Bulls respectively.

PRAYER in CRL RC.1461/2024: Criminal Revision Petition filed under Sections 338 R/W 442 of B.N.S.S, to set aside the order dated 10.08.2024 passed in Crl.M.P.No.596 of 2024 in Crime No.216/2024, on the file of the Judicial Magistrate No.II, Madurantakam and consequently direct the 1st Respondent to release 74 Bullock and handover the same to the Petitioner.

For Petitioners (in all cases)	:	Mr.R.John Sathiyam Senior Counsel For Mr.A.Thameem Mohideen
For 1 st Respondent (in all cases)	:	Mr.A.Damodaran Addl.Public Prosecutor
For 2 nd Respondent (in RC.1421&1433/2024)	:	Mr.Sathish Parasaran Senior Counsel For Mr.Rahul Balaji
For 2 nd Respondent (in Crl.RC.1461/2024)	:	Ms.Madhumitha. J



COMMON ORDER

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The Criminal Revision Cases filed praying to set aside the order dated 22.07.2024, passed in Crl.M.P.No.1137 of 2024 & Crl.M.P.No.1138 of 2024 respectively, passed by the learned Judicial Magistrate No.II, Chengalpattu, and the order dated 10.08.2024, passed by the learned Judicial Magistrate No.II, Madurantakam, consequently to direct the 1st respondent to release 22 Bulls and 2 Calves, 21 Bulls and 74 Bullock respectively in Crl.R.C.No.1421 of 2024, Crl.R.C.No.1433 of 2024 and Crl.R.C.No.1461 of 2024 and handover the same to the Petitioners.

2. Facts, which are germane for disposal of the Revisions can be summarised as follows:-

On the complaint of the 2nd Respondent / defaco complainant, who are the Trust Member of “Almighty Animal Care Trust”, and State President of “Gau Raksha Dal” respectively Crl.R.C.Nos.1421 & 1433 of 2024 and Crl.R.C.No.1461 of 2024 gave complaints before the 1st Respondent Police that the Petitioners illegally transporting Cattle in Container Lorries, bearing Registration Nos.TN-60-AV-4227 and TN-60-Q-3265 and TN-51-AG-7777. When the Container Lorries intercepted by



the Police, they found in the Container Lorry, bearing Registration No.TN-60-AV-4227 with 22 Cattle & 2 Calves and in the other Lorry bearing Registration No.TN-60-Q-3265 having 21 Cattle and in other Lorry bearing Registration No.TN-51-AG-7777, having 74 Cattle in a cruel manner. The animals were rescued. On enquiry, it was informed by the drivers of the lorries that the Cattle were taken to Kerala for slaughter. Since the Cattle in all the lorries transported to Kerala in inhumane conditions, for the meat illegally, tightly cramped, without food and water, and the Cattle are below 10 years in age, the case in Crime No.192/2004 and Crime No.216/2024 registered respectively for the offence U/s. 429 of IPC., r/w Sections 11(1)(a), 11(1)(d) & 4 of Prevention of Cruelty to Animals Act, 1960, and Section 325 BNS Act r/w Section 11(1)(a), 11(1)(b), 11(1)(d), 11(1)(e) of Prevention of Cruelty to Animals Act, 1960, against the owners of the Container Lorries and others. The Container Lorries and Cattle were seized by the Police. Upon seizure of the Cattle, they were sent to "Sri Gokulakrishna Kosala", Tiruvallur District, a private barn, and "Mona's Heaven for Domestic Animals Trust" under an interim detention of the bulls by the 1st Respondent Police.



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3. Mr.R.John Sathiyam, the learned Senior Counsel appearing for the Petitioners would submit that the Petitioners are the owners of 22 Cattle & 2 Calves, 21 Cattle and 74 Cattle respectively seized by the 1st respondent in Crime No.192/2024 and Crime No.216/2024, which were purchased for agricultural activities and for breeding purposes and transported from Andhra Pradesh to Theni Cumbum and Pollachi through the Container Lorries, with valid certificates. On the complaint of the defacto complainant, the 1st Respondent Police seized the Lorries, including the Cattle and and sent the same to “Sri Gokulakrishna Kosala” and “Mona's Heaven for Domestic Animals Trust”. The petitioners purchased the Cattle in Nellore, Andhra Pradesh, by paying necessary Cess to Agriculture Market Committee Saluchinthala, at Nellore, Andhra Pradesh and thereafter, transported to Tamil Nadu for agricultural activities and for breeding purposes, through the Container Lorries. The Cattle are transported by providing water and fodder to prevent from hunger, and with proper ventilation. The Cattle were not transported in a closed container lorry. The Cattle were loaded in the Lorry only after being fed and hydrated.



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4. The learned Senior Counsel would further submit that the Petitioners, aggrieved by the seizure of the Cattle by the 1st Respondent Police, filed Criminal Miscellaneous Petitions in Crl.M.P.No.1137 of 2024, Crl.M.P.No.1138 of 2024 and C.M.P.No.596 of 2024 before the learned Judicial Magistrate II, Chengalpattu, and Judicial Magistrate No.II, Madurantakam, for return of Cattle, as interim custody. The Learned Judicial Magistrate, declined to give the interim custody of the cattle to the Petitioners for the reason that the Petitioners alleged to have violated the provisions of Prevention of Cruelty to Animals Act, 1960 and that inhumane treatment meted out to the Cattle, by transporting the cattle in a jam packed manner, which is especially alleged to have transported for butchery, which is prohibited and dismissed the aforesaid Criminal Miscellaneous Petitions.

5. The learned Senior Counsel further submitted that the Judicial Magistrate erroneously found that there are chances for the Petitioners to transport the cattle in an inhumane condition once again to Kerala for slaughter. The petitioners are farmers, purchased the cattle for agricultural and breeding purposes and it is transported only to Tamil Nadu. Without making any personal inspection on the cattle, the learned



Magistrate held that eyes of the cattle filled with chillies amounting to causing cruelty. There is no ban for transporting the Cattle within the state of Tamil Nadu, for agricultural and breeding purposes. The Learned Magistrate failed to see that the 1st Respondent Police ought not to have sent the Bulls to “Sri Gokulakrishna Kosala”, and “Mona's Heaven for Domestic Animals Trust” a Private Barn, without the orders of the Learned Magistrate, in compliance with the Prevention of Cruelty to Animals Act, 1960, and the said Kosala is not recognised by the Government to have the seized cattle kept under their custody. When there was an undertaking by the Petitioners to produce the Cattle before the Court, if any order passed by the Court, the same has not been taken note of by the learned Magistrate. The 2nd Respondent / De-facto complainant, who filed Intervening Application, objected to the return of cattle on the ground that the cattle transported in an inhumane condition to Kerala, for slaughtering purposes, is nothing but a private gain with libels in the First Information Report.

6. Mr.Sathish Parasaran , the learned Senior Counsel appearing for the 2nd Respondent / Defacto complainant in Crl.R.C.Nos.1421 & 1433/2024 would submit that the defacto complainant in this case is the Trust Member of “Almighty Animal Care Trust”, gave a complaint on



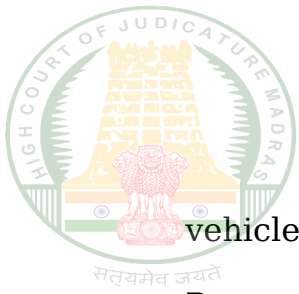
22.07.2024, before the Respondent Police when he found the Container Lorries, bearing Registration Nos.TN-60-AV-4227 and TN-60-Q-3265, near the Chengalpattu Tollgate with cow dung flowing down on the ground. When the Container Lorries intercepted by the 1st Respondent Police, they found in the Container Lorry, bearing Registration No.TN-60-AV-4227 having 22 Cattle & 2 Calves and in the other Lorry bearing Registration No.TN-60-Q-3265 having 21 Cattle and the animals were rescued. The Respondent Police found during enquiry that the Cattle were taken to Kerala, for butchering. It is further contended that the Cattle transported by the owners in an inhumane conditions and for the purpose of slaughtering at Kerala. The Cattle injured badly during transportation and certain Cattle have been subjected to cruelty and therefore, the learned counsel strongly object for return of Cattle.

7. Ms.Madhumitha, the learned counsel appearing for the 2nd Respondent / Defacto complainant Crl.R.C.No.1461/2024 would submit that the 2nd Respondent / Defacto Complainant is the State President of “Gan Raksha Dal” and on 10.07.2024, he gave a complaint to the Police that 74 bullocks being transported from Andhrapradesh to Pollachi in a sealed container lorry, bearing Registration No.KA-51-AG-7777. Upon the complaint, the Highway Patrol and Police intercepted the container



lorry and found that the bullocks were transported in closed vehicle, jam packed with less probability for food, water and air. In order to prevent the movement of the bullocks, the neck were tied closely. The bullocks rescued to "Mona's Heaven for Domestic Animals Trust", here the bullocks are being fed and treated for their wounds. Therefore, the learned counsel strongly objects for return of Cattle.

8. Mr.A.Damodaran, the learned Additional Public Prosecutor for the 1st Respondent State would submit that all the seized Cattle transported in Container Lorries without adequate food or fodder and water, violating the transport Regulations. The Cattle were jam packed sandwiched in the vehicles without sufficient space. Since the age of entire Cattle is less than 10, it is illegal to be taken them for slaughter. The Petitioners claim to have purchased the Cattle for agricultural and breeding purposes, but the Veterinary Doctor's report indicates that, with the exception of one, all the cattle were castrated, which makes it impossible to breed. Though the petitioners provided the Cess receipt from the Agricultural Market Committee and the Certificates issued under Rule 96 of the Transportation of Animal Rules, 2001, as per the Prevention of Cruelty to Animals Act, 1960, these documents not presented to the 1st Respondent Police at the time of interception of the



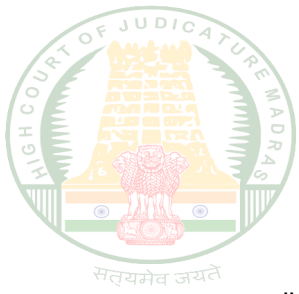
vehicle and obtained subsequently. The learned Additional Public Prosecutor invited the attention of this Court to the decision of this Court in ***Arunachala Animal Sanctuary & Rescue Shelter v. Venkatesh and 2 Ors.*** Made in ***Crl.R.C.Nos.670-673 of 2015***, dated 19.09.2022 acknowledged a common practice among transporters, who often fail to carry required certificates initially and later procure them post-seizure to secure interim custody and in almost all cases the cattle is sold or killed once the custody is given.

9. The learned Additional Public Prosecutor for appearing for the 1st Respondent Police would further submit that the contention of the petitioners that the animals were transported to for purposes of breeding and agriculture is untrue, as drivers in each instance have consistently stated that the Cattle were transported to Kerala for slaughter. All the Cattle were transported in an inhumanee condition, sprinkling red chilli flakes or smearing green chilli in the eyes of cattle being taken to slaughter houses is the method being adopted by the cattle traffickers. The method ensures keeping awake the animals do not sprawl on the floor, die while being transported on container Lorries. In this case, from the Report of the Veterinary Doctor it is clear that green chilies placed in the eyes of the cattle and they sustained numerous



injuries. The procedure under Section 35(2) of Animals Act, 1960 not adhered to by the Magistrate because it is not practical for the Magistrate to inspect and direct the custody of animals to a Goushala. The police are authorized to seize Cattle and transfer them to the nearest registered Goushala, when cattle are transported in violation of the guidelines and rules established under the Prevention of Cruelty to Animals Act, 1960.

10. The learned Additional Public Prosecutor submitted that The 2nd Respondent's Goushala is recognized by the Animal Welfare Board and currently shelters over 400 animals, primarily cattle and dogs. The 2nd Respondent cared for the seized cattle at no cost, without receiving charges for their maintenance. The present Criminal Revisions are filed as against orders passed in an interlocutory stage by the trial court, on the question of interim custody of the seized cattle pending trial. The trial court has come to a conclusion that the Petitioners have not made out a case for grant of interim custody of cattle. Therefore, such a prima- facie based on documents produced before the trial court, needs no interference. Further, Rule 8 of the Preservation of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 reads as follows:-



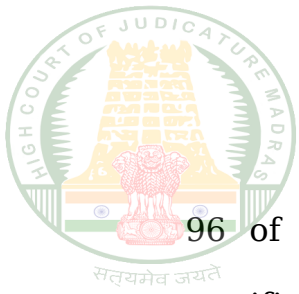
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"8. Status of animal upon disposal of litigation. -

(1) If the accused is convicted, or pleads guilty, the magistrate shall deprive him of the ownership of animal and forfeit the seized animal to the infirmary, pinjrapole, SPCA, Animal Gaushala already having custody for proper adoption or other disposition.

(2) If the accused is found not guilty of all charges, the seized animal shall be returned to the accused or owner of the animal and the unused portion of any bond amount executed shall be returned to the person who executed the bond."

11. It is further submitted that, if at all the Petitioners are ultimately found not guilty before the trial court, as per the above said Rule 8, the cattle will have to be returned back to the Petitioners. The Petitioners violated Section 4 of the Tamil Nadu Animal Preservation Act, 1958 in which it is clearly stated that the Animals may not be slaughtered without a certificate, which can be issued only if the animal is over ten years old, unfit for work or breeding, or permanently incapacitated. Sections 11(1)(a) and 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 deals with causing cruelty to animal and transporting animals in a manner which may inflict injury on them. Rule



96 of the Transport of Animals Rules, 2001 mandates obtaining a certificate before transportation issued by any person Animal Welfare Organisation or Authorized by Animal Welfare Board/ Central Government. Rule 50 of the Transport of Animals (Amendment) Rules, 2009, mandate that cattle should be given sufficient floor space, the floor ought not be kept slippery so as to prevent the skidding and injuries to the Cattle. Rule 56 of the Transport of Animals (Amendment) Rules, 2009 explicitly requires the use of a special type of tailboard and padding around the sides when cattle are transported in a goods vehicle.

12. The learned Additional Public Prosecutor in support of his contentions, relied on the Judgment of the Apex Court in ***Raghuram Sharma and Anr. v. C. Tulsi and Anr.*** Reported in ***(2020 SCC OnLine SC 1325)***, wherein it has been held that the accused accused prima facie found guilty based solely on the allegations in the FIR and ruled that the accused are not entitled to interim custody of the cattle. The Apex Court in ***Naseerulah v. State*** reported in ***(2013 SCC OnLine Mad SC 1325)***, held that the injuries sustained by the animals were solely due to illegal transportation and emphasized that it is the court's responsibility to intervene to prevent cruelty. The Apex Court in a decision in ***M.Vignesh v. State and Anr.***, in Special Leave to Appeal



(Crl.)No.7868/2022, dated 16.01.2023, held that interim custody of the cattle should remain with the Goushala, until the trial's conclusion.

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13. Further, the learned Additional Public Prosecutor relied on the decision of this Court in Arunachala Animal Sanctuary & Rescue Shelter's case (cited supra) wherein it has been held that the police are authorized to seize animals and transfer them to the nearest registered Goushala, if the transportation violates the guidelines and rules under the Prevention of Cruelty to Animals Act, 1960. Further, this Court in Para 5, this Court acknowledged the common practice of transporters not carrying required certificates initially, only to procure them post-seizure to secure interim custody; often, the cattle are sold or slaughtered once custody is regained. This Court in ***Sunitha Christy v. State and Anr. (Crl.RC.(MD) No.660 of 2021)***, held that the accused were prima facie guilty of transporting 26 cattle under the age of 10 in a single container without proper certification, and therefore, denied interim custody of the cattle. This Court in ***Vikram v. Y. Fogullah Shariff and Anr. (Crl.RC.No.1480 of 2013)***, held that transportation of 20 cattle in one lorry from Andhra Pradesh to Madras to be in violation of laws and ordered that custody of the cattle be given to the Goushala until the trial's resolution.



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14. The learned Additional Public Prosecutor further submitted that the cattle in question have castrated, yet the Petitioners contend they purchased and transported for breeding purposes. This fact alone suggests that the cattle were indeed intended for slaughter, and any contrary assertions by the Petitioners appear to be mere afterthoughts, likely made to regain custody of the cattle. The Petitioners if found not guilty at trial, will be entitled to regain custody of the cattle. The cattle are currently under the care of a Goushala and are given proper treatment, which would be jeopardized, if custody were granted back to the Petitioners. Hence, prayed for dismissal of the Revisions.

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

16. It is not in dispute that on the complaint of the 2nd Respondent / defaco complainant, who are the Trust Member of "Almighty Animal Care Trust", and State President of "Gau Raksha Dal" respectively Crl.R.C.Nos.1421 & 1433 of 2024 and Crl.R.C.No.1461 of 2024, the the 1st Respondent Police, intercepted the Container Lorry, bearing Registration No.TN-60-AV-4227 found with 22 Cattle & 2 Calves and in



the other Lorry bearing Registration No.TN-60-Q-3265 having 21 Cattle and in another Lorry bearing Registration No.TN-51-AG-7777, having 74 Cattle in a cruel manner were transported. The animals were rescued. On enquiry, it was informed by the drivers of the lorries that the Cattle were taken to Kerala for butchering. Since the Cattle in all the lorries transported to Kerala in inhumane conditions, for the meat illegally, tightly cramped, without food and water, and the Cattle are below 10 years in age, the case in Crime No.192/2004 and Crime No.216/2024 registered respectively for the offence U/s. 429 of IPC., r/w Sections 11(1)(a), 11(1)(d) & 4 of Prevention of Cruelty to Animals Act, 1960, and Section 325 BNS Act r/w Section 11(1)(a), 11(1)(b), 11(1)(d), 11(1)(e) of Prevention of Cruelty to Animals Act, 1960, against the owners of the Container Lorries and others. The Container Lorries and Cattle were seized by the Police. Upon confiscation of the Cattle, they were sent to "Sri Gokulakrishna Kosala", and "Mona's Heaven for Domestic Animals Trust" under an interim detention of the Cattle by the 1st Respondent Police. The Petitioners filed Criminal Miscellaneous Petitions in Crl.M.P.No.1137/2024 and Crl.M.P.No.1138/2024, and C.M.P.No.596/2024, before the learned Judicial Magistrate II, Chengalpattu, for return of Cattle, as interim custody. The Learned Judicial Magistrate, declined to give the interim custody of the cattle to



the Petitioners on the ground that the Petitioners violated the provisions of Prevention of Cruelty to Animals Act, 1960 and that inhumane treatment meted out to the Cattle, by transporting the Cattle in Container Lorries, in a jam packed manner, which is especially alleged to have transported for butchery, which is prohibited, has dismissed petitions. Against which, the Petitioners are before this Court with these Revisions.

17. No doubt, in the case on hand, large number of Cattle transported by the petitioners in an inhumane manner and transporting in the Container Lorries. It is seen from the records that in one Container Lorry, 22 Bulls and 2 Calves, in another Container Lorry, 21 Bulls and other Lorry, 74 Bullock transported from Andhrapradesh to Kerala, without providing basic facilities like feeding, water, sufficient place to the Cattle even to stand. Initial inquiry and the report from the Veterinary Doctor revealed that the Cattle were transported from Andhrapradesh to Kerala in unhygienic conditions, with chilli flakes sprinkled and chillies placed in the eyes of Cattle to keep them awake and the Cattle are below 10 years in age, thus, there is a clear violation of Prevention of Cruelty to Animals Act and Transport of Animal Rules, 1978. As per Rules 47 to 56 of the Transport of Animal Rules, 1978



specifies that 'no goods vehicle should carry more than six cattle and there should be a valid certificate by a qualified Veterinary Surgeon that the animals are fit to travel and each consignment should bear a label showing the name and address of the consignor and the consignee. Absolutely, nothing has been followed in this case and the trial Courts are right in dismissing the petitions filed by the Petitioners, which needs no interference. The present arrangement of maintaining the Cattle in the respective Khosala and to be continued till the trial is completed and final orders passed entrusting custody of Cattle.

18. There are several rules and practices that must be followed to ensure the safety and well-being during the transit of Cattle. Transporting cattle is a careful process that requires strict adherence to Animal Welfare Regulations, proper vehicle equipment, and ensuring the Cattle's health and safety during the journey. The following guidelines to be strictly followed while transporting the Cattle from one place to another place / District / State:-

(i). The Transporters of Cattle to ensure adequate space to stand, lie down and turn around.

(ii). Safety must be ensured while loading and unloading of cattle, in order to prevent injury and stress. The Ramps and loading docks should be



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designed to prevent Cattle from slipping or falling.

(iii). During transit of cattle, they must be provided ventilation and to ensure warm temperatures in the container / vehicle.

(iv). In case of long transit of Cattle through vehicle, food and water should be provided in the interregnum period of pick-up and drop points.

(v). Before transporting the Cattle, it has to be checked whether the Cattle health conditions are fit to transport from one place to another.

(vi) During transportation, the Cattle has to be monitored whether it has any signs of distress, injury or illness and if found, the Cattle should be removed immediately from the vehicle and should be treated.

(vi). The Transport Vehicles should be cleaned before transportation of Cattle, to avoid spread of disease.

(vii). Proper documents from the respective Officers should be obtained by the purchasers / transporter while transit of Cattle.



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(viii) In case of long journey, a certificate from the Veterinary Doctors should be obtained how long and how far the cattle can be transported.

(ix) After arriving the destination, cattle should be monitored for signs of any injury, if any, must be taken care.

19. In view of the forgoing reasons, the Civil Revision Petitions are dismissed.

20. This Court places its appreciation to the young Advocate Ms.Madhumitha, for her meticulous preparation and strenuous submission.

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,
Chengalpattu
2. The Station House Officer,
Chengalpattu Taluk
3. The Public Prosecutor,
High Court, Chennai.



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VERDICTUM.IN



Crl.R.C.Nos.1421, 1461 & 1433 of 2024

M.NIRMAL KUMAR, J.

vv2

Pre-Delivery Order made in

Crl.R.C.Nos.1421, 1461 & 1433 of 2024

31.01.2025