

IN THE COURT OF THE PRL.JUNIOR CIVIL JUDGE CUM JUDICIAL
MAGISTRATE OF FIRST CLASS AT SHADNAGAR.

Saturday, this the 13th day of February, 2016.

Present: Sri.CH.A.N.Murthy,
Prl.Junior Civil Judge cum
Judl.Magistrate of I Class,
Shadnagar.

S.T.C.No.1 of 2016

Between:

1. Anwar bash s/o Rahamathulla, Age 31 years, Caste: Muslim, Occ: Driver of DCM bearing no.AP-22-TY-0975, R/o Vgarur Manthryalam Mandal.
2. Bade sab s/o Ismail sab, Age 42 years, Caste: Muslim, Occ: Buffaloes business, R/o H.No.19-2-260/K, Kametipura, Doodhi Bouli, Bhadurpura.
3. Md.Pash s/o Abdul Kareem, Age 30 years, Caste: Muslim, Occ: Driver of DCM no.AP 22 X 8250, R/o Waddaman, CC Kunta Mandal.
4. Md.Masood Qureshi s/o Md.Nayeem Qureshi, Age 25 years, Caste: Muslim, Occ: Buffaloes business, R/o H.No.1-7-40/5/A, Patha thota, Mahabubnagar.
5. Amboji Ramesh s/o A.Yadaiah, Age 28 years, Caste: Chakali, Occ: Driver of AP 29-TC-0754, R/o Lingaarajupally village, Atmakur Mandal, Nalgonda.
6. Rangagalla Birnalad s/o S.G.Sanjanna, Age 61 years, Caste: Christian, Occ: Buffaloes Business, R/o H.No.10-35, SC colony, Chagalamarri village and Mandal of Kurnool District.
7. Chinnamoni Venu s/o Pentaiah, Age 28 years, Occ: Driver of DCM bearing no.AP-22-W-8227, R/o Kalvarala village of Pangal Mandal, Mahabubnagar District.
8. Md.Ghouse s/o Md.Mianuddin, Age 35 years, Caste: Muslim, Occ: Buffaloes business, R/o Farooqnagar, Shadnagar.
9. Md.Kaleem s/o Saleem, Age 40 years, Caste: Muslim, Occ: Driver of vehicle bearing no.AP-20-Y-6728, R/o H.No.13-1-2/147, Mujainagar, Asifnagar, Hyderabad.

...Accused Nos.1 to 9.

And

The State of Telangana, through SHO PS: Kothur

.... Complainant.

This case is coming before me on this day for final hearing before me in the presence of the Learned Assistant Public Prosecutor for the complainant and accused present party in person, and upon perusing the material papers and documents and having understood over for consideration till this day the court delivered the following:

J U D G M E N T

1. The Sub Inspector of Police, P.S. Kothur filed the charge sheet against the accused Nos. 1 to 9 in Cr.No.269/2015, for the offences under section 11 r/w 38 of Prevention of Cruelty to Animals Act, 1960 and Sec. 50, 56 © Transport of Animals Rules, 1978, the brief facts of which are narrated hereunder:

On 20.09.2015 at 1.30 p.m., the complainant N.Somala Naik came to PS and lodged a report stating that he and ARHC 1706, ARPC 2112, 2712, Civil PCs 1445, 1159 and HG 01 performed the vehicle checking at Thimmapur Check post during the vehicle checking on 20-09-2015 at about 1.30 p.m., the DCMs bearing no.AP-22-TY-0975 came with 30 calf load, the DCM bearing no.AP-22-X-8250 came with 10 Bull load the DCM bearing no.AP-29-TC-0754 came with 15 bulls load, the DCM bearing no.AP-22-W-8227 came with 13 buffaloes load and the DCM bearing no.AP-20-Y-6728 came with 16 buffaloes load the above vehicle drivers transport the excess animals to Hyderabad by cruelty to Animals on that stop the vehicle and one enquiry the drivers disclosed their names [1] Anwar Pash s/o Rahamathulla, [2] Md.Pash s/o Md.Abdul Kareem, [3] Amboji Ramesh s/o Yadaiah, [4] Chinnamnani Venu s/o Pentaiah and [5] Md.Kaleem s/o Saleem. The complainant is requested to take legal action against the accused persons No.1 to 9.

2. Basing on the said report, a case in Cr.No.269/2015 was registered U/s. under section 11 r/w 38 of Prevention of Cruelty to Animals Act, 1960 and Sec. 50, 56 © Transport of Animals Rules, 1978 and investigated into, that the investigation reveals that A1 driver of DCM bearing no.AP-22-TY-0975 and A2 owner of Calf and transporting 30 calf load to Hyderabad by cruelty, A3 Driver of DCM no.AP-22-X-8250 and A4 owner of bulls and transporting 10 bulls, A5 Driver of DCM bearing no.AP-29-TC-0754, A6 owner bulls, A7 driver of AP-22-W-8227, and A8 owner of Baffles and A9 driver of DCM AP 20 Y-6728. Accused A1 to A9 transporting by excesses animals by over load in their DCM vehicles to Hyderabad by cruelty to Animals. Thus, the accused nos. 1 to 9 have committed an offence punishable under section 11 r/w 38 of Prevention of Cruelty to Animals Act, 1960 and Sec. 50, 56 © Transport of Animals Rules, 1978. Hence the charge.

3. This case was taken on file under section 11 r/w 38 of Prevention of Cruelty to Animals Act, 1960 and Sec. 50, 56 © Transport of Animals Rules, 1978 against accused persons and after the appearance of the accused persons before the court, they were furnished with copies of documents as required U/s. 207 Cr.P.C. and the accused persons were examined U/s. 251 Cr.P.C. explaining the substance of accusation to the accused persons and when questioned, the accused persons voluntarily admitted the offence and pleaded guilty. Their admission is taken as true, voluntary and correct. Hence the accused persons are found guilty for the offence under section under section 11 r/w 38 of Prevention of Cruelty to Animals Act, 1960 and Sec. 50, 56 © Transport of Animals Rules, 1978.

4. Having found the accused nos. 1 to 9 guilty, the accused nos. 1 to 9 are questioned with regard to the sentence likely to be imposed on them. The accused persons pleaded mercy and submitted that they are poor persons and requested to take a lenient view in awarding the sentence.

Hence the accused nos. 1 to 9 are convicted U/s 252 Cr.P.C for committing the offence under section 11 r/w 38 of Prevention of Cruelty to Animals Act, 1960 and Sec. 50, 56 © Transport of Animals Rules, 1978 and sentenced him to pay a fine of Rs.50/- [Rupees: Fifty only], in default to suffer S.I., for a period of 15 days. The accused nos. 1 to 9 are informed that they can prefer an appeal against the sentence now imposed by this court, and they can take appropriate legal assistance from the Mandal Legal Services Authority, Shadnagar in preferring such appeal.

Pronounced by me in the open court on this the 13th day of February, 2016.

Prl.Junior Civil Judge-cum-
Judl. Magistrate of First Class,
Shadnagar.

Appendix of Evidence
Witness examined
-Nil-

Prl.Junior Civil Judge-cum-
Judl. Magistrate of First Class,
Shadnagar.