

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE-XI,
THIRUVANATHAPURAM**

**Present: Smt. Revitha. K.G.
Judicial First Class Magistrate-XI, Thiruvananthapuram.**

Monday the 05th day of May 2025

CC 372/2024

Complainant	:	State represented by the Sub Inspector of Police, Valiyathura Police Station in crime No. 802/23 (By. Smt Lakshmi R, Assistant Public Prosecutor, Thiruvananthapuram).
Accused	A1	Shaju 50 yrs, S/o Thankappan Nair, Mevarakkal vilayil veedu, ward no.14, Karavaram, Alamcodu village, Chirayinkeezhu
	A2	Prasanth 46 yrs, S/o Thampikunjan, Panthaplavila veedu, Vazhuthoor, Perumpazhuthoor, Neyyattinkara
	A3	Biju Danaseelan 47 yrs, S/o Danaseelan, Biju Sadanam, Near Avanavancheri Paruthi temple, Elamba, Valakkodu, Edakkodu village, Attingal
	A4	Sarath @ Unni 32 yrs, S/o Raju, Mevarakkal Vilayil veedu, Ward no.14, Karavaram, Alamkodu, Chirayinkeezhu
	A5	Sahaya Anto Clyton 40 yrs, S/o Origin, Door no. 172/5, West street, Near Kudathalai Yuvari St. Antonys church, Kuduthalia village, Radhapuram, Thirunelveli, Tamilnadu
	A6	Robert Libin 37 yrs, S/o Sundaradasan, Door no.8/10, Kollal, Kanjapuram, Kanyakumari, Tamilnadu (By Advocates Solomon J, Peter Solomon and Haira Solomon)
Offence	:	U/S. 428 r/w 34 IPC and S.11(1)(1) of Prevention of cruelty to Animals Act 1960.
Plea		Guilty

Finding		Guilty
Order	:	Accused no.5 and 6 are sentenced to undergo simple imprisonment of till the rising of court and also to pay a fine of Rs.2,500/- each for the offence punishable under sec. 428 r/w 34 IPC, in default of payment of fine the accused shall undergo simple imprisonment for ten days each. Case against accused no. 1 to 4 is split up and refiled as CC 891/24.

This case having been finally heard today, the court delivered the following :-

J U D G M E N T

This is a case instituted upon a police report by the Sub Inspector of Police, Valiyathura Police Station under section 173(2) CrPC, against the accused persons in crime No.802/23, alleging the commission of the offences punishable under sections 428 r/w 34 IPC and S.11(1)(1) of Prevention of cruelty to Animals Act 1960.

2. Prosecution case in brief is as follows:- At about 10.00 pm, on 17.07.23 and 27.07.23, the accused no.1 to 4 in furtherance of their common intention to kill stray dogs, caught 8 stray dogs and carried them in a pickup van which was driven by 5th accused and killed the dogs by injecting salt water and thereafter buried the body and materials. It was further alleged that accused no.6 gave Rs.22,800/- as remuneration for accused no. 1 to 5. Thus the accused has thereby committed offences punishable under sections 428 r/w 34 IPC and S.11(1)(1) of Prevention of cruelty to Animals Act 1960.

3. Accused no.5 and 6 appeared before the court through counsel, and copies of relevant prosecution records were served to them. The accused filed an application through their counsel and stated that they are ready to plead guilty. This court explained the accused the consequences which may they may have to face

while pleading guilty. After hearing both sides, particulars of offence under sections 428 r/w 34 IPC and S.11(1)(1) of Prevention of cruelty to Animals Act 1960 were read over and explained to the accused. The accused no. 5 and 6 pleaded guilty. The court accepted the plea since it is being made voluntarily after knowing the consequences and after understanding the nature of the offence. Thus the accused no. 5 and 6 are liable to be convicted of the said offences. The ingredients of offence under Section 428 r/w 34 IPC and S.11(1)(1) of Prevention of cruelty to Animals Act 1960, are the same and hence the accused is convicted only for the offence under sec. 428 r/w 34 IPC.

4. In the result, the accused no.5 and 6 are found guilty for the offences punishable under section 428 r/w 34 IPC. Accordingly accused no.5 and 6 are convicted of the said offences. The accused persons will be heard on question of sentence.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 05th day of May 2025)

sd/-

Judicial First Class Magistrate-XI,
Thiruvananthapuram.

5. Heard the accused persons on question of sentence. The convict are pleaded for leniency and mercy of the court. Considering the nature of the offences which is relating to the killing of stray dogs, I am not inclined to invoke the benevolent provisions of probation of offenders Act and this court is of the view that a punishment as required by law can be imposed.

In the result, accused no.5 and 6 are sentenced to undergo simple imprisonment of till the rising of court and also to pay a fine of Rs.2,500/- each for

the offence punishable under sec. 428 r/w 34 IPC, in default of payment of fine the accused shall undergo simple imprisonment for ten days each. Case against accused no. 1 to 4 is split up and refiled as CC 891/24.

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