

P.O.- Asutosh Rai
Addl. Sessions Judge-II, Katihar
Criminal Revision No. 28 of 2026

In the Court of Additional Sessions Judge-II, Katihar

Criminal Revision No. 28 of 2026

In the matters of :-

1. Md. Ajim @ Ajimuddin, aged about 26 years, S/o- Md. Israfil, R/O-village-Saheb Nagar, Paisagath, P.S.-Mansahi, Distt-Katihar

.....Revisionist-petitioner

Versus

1. The State of Bihar Opposite Party.

(This Revision petition has been preferred against the order dated 23-07-2025 passed by Ld. J.M.-1st Class, Katihar in Mansahi P.S. Case No. 82/2025 Md. Ajim @ Ajimuddin V/s State of Bihar.

For Revisionist:- Shri Pawan Kumar Dwivedi, Ld. ddvocates

For O.P. :- Md. Ejaz Alam, Ld. A.P.P.

Present:-

Asutosh Rai

Addl. Sessions Judge-II, Katihar.

Date of Order, 01st June, 2026

ORDER

1. This criminal revision petition has been preferred on behalf of aforesaid revisionist-petitioner namely Md. Ajim @ Ajimuddin against the order dated 23-07-2025 passed by Sri Narayan Thakur, the Ld. J.M. 1st Class, Katihar in G.R. Case No. 3120/2025 State of Bihar V/s Md. Ajim whereby and whereunder the Ld. Court rejected the Petition filed on behalf of the Md. Ajim for releasing the Vehicle Pick-up bearing Reg. No. BR11-GE-7701 in his favour. So, being highly aggrieved and dissatisfied aforesaid petitioner preferred this instant revision petition against the aforesaid impugned order.

Brief facts of this case:-

2. From perusal of the case record, it is evident that brief case of the prosecution is that informant to this case namely P.S.I. Ramadhar Yadav Police-station, Manasahi lodged a written report before S.H.O. Manasahi to this effect that today i.e. on 05-06-2025 at about 19:25 O'Clock he received secret information that stolen cattle have been loaded on a Bolero pickup with very cruel manner and same were being taken to Bengal via Mansahi Marangi Paswan Tola for sale. So,

on such information, informant alongwith other police personal reached at Kala Pada, then informant saw that one pick-up coming from Marangi Paswan Tola. But having seen to the police-party the driver of the said pick-up tried to escape with the vehicle. But with the help of the police-personal said vehicle was intercepted. Further on being asked driver of the said vehicle disclosed his name to be Md. Ajim. Further on search of the said Pick-up total 12 cattel were found to be loaded in the said vehicle with very cruel manner. On demand Md. Ajim did not produce valid documents for the animals. Later on said vehcile bearing reg. No BR 11GE 7701 whose engine no.-TNP1C24097, chassis no.-MA1ZU2TNKP1C29276 was seized and seizure lsit was prepared and accused namely Md. Ajim was arreasted and remanded to jail custody.

3. Later on, on the basis of the written report of the informant namely Ramadhar Yadav, P.S.I, formal F.I.R. bering Mansahi P.S. case No. 82/2025 u/s 317 (5) of the B.N.S. and u/s 11 A of the Prevention of Cruelty of Animals Act 1960 was instuted against the aforesaid accused person namely Md. Ajim.

4. Further, revisionist-petitioner namely Md. Ajim (owner of the Pick-up bearing reg. BR-11GE-7701) filed A petition praying therein to relase the said seized vehicle in his favour. But after hearing the Id. Counsel, Sri Narayan Takhur Id. J.M. 1st class, Katihar rejected the said petion order dt. 23-07-25. So, being highly aggrieved and dissatisfied of the aforesaid impugned orders passed on 23-07-25 revisionist-petitioner has preferred this criminal revision petition against the said order on the following grounds:-

GROUND

5. The said order dt. 23-07-25 passed by the Id. lower court is contrary of law and same is fit to be dismissed. The said rder has been passed without any consideration of legal aspects. The said seized Pick-up is the only source of livelihood of revisionist petioner and even after the seizure of the vehicle, petitioner is required to pay revenue to the government. Further Police-station has also given a report that there is no objection to releasing the said seized vehicle and there is

no need for the pick-up vehicle in the investigation. But despite that the said pick-up vehicle has not been released to the revisionist by the concerned Id. Court. Any allegation of animal cruelty is not made out against the owner of the said pick-up. The said revisionist is a poor and labourer type person who supports himself and his children by operating the said vehicle. The said revisionist has no previous charges of animal cruelty and the said seized pick-up has been kept in the open space of the concerned Police Station due to which it is getting damaged. The said revisionist is always ready to pay the expenses of keeping and taking care of the cattle, as per the legal provisions. The revisionist's seized pickup truck has been forcibly seized and illegally held by the police for want of fulfilling their personal interests. The revisionist has not been found to have committed any kind of cruelty towards the seized cattle. The revisionist is ready to obey all the orders of court. Further he is ready to give local surety as per the orders of the court and he also promises to produce the said vehicle before court as per order of the court. Accordingly, it has been prayed that after hearing, aforesaid impugned orders dt. 23-07-25 passed by Id. court be set aside and further said Pick-up van be released in the favour of the revisionist-petitioner.

6. While the learned A.P.P. appearing for the state has submitted that after perusal of the entire case record in entirety, it is quite clear that the said vehicle was seized when the large number of the cattle were being carried and transported by the said vehicle in the contravention of the provisions of the Prevention of Cruelty to Animals Act and rules made under the said act. While as per rule 04 & 05 of the Prevention of Cruelty to Animals (Care and Maintenance of Cattle and Property Animals) Rules, 2017, accused and owner of vehicles are liable severally and jointly to pay amount of maintenance towards transport, medical, fodder, care etc. of all the seized cattle. While from perusal of the case record it is evident that petitioner namely Md. Ajim who is the accused as well as owner of the seized vehicle bearing reg. No. BR-11GE-7701. So, revisionist-petitioner is liable to deposit the amount of maintenance of said seized cattle towards transport, medical, fodder, care etc. But he has never paid the required maintenance amount either before

court or before any concerned authority. So ld. court has rightly rejected the said petition filed on behalf of the petitioner namely Md. Ajim for releasing the said seized vehicle in his favour. Accordingly it has been prayed to dismiss instant revision petition.

7. Heard the learned counsel for the revisionist-petitioner and the ld. A.P.P. appearing for the state and perused the relevant documents as annexed with this criminal revision petition as well as entire LR in entirety. Before coming on the merit of the instant revision petition it would be expedient to refer the provisions of Rule 04 and 05 of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 which provide as follows:-

4. Cost of care and keeping of animal pending litigation- (1) The State Board shall within three months from the date of commencement of these rules and thereafter on the 1st day of April every year, specify the cost of transport, maintenance and treatment per day for every species of animal that is commonly seized in the State.

(2) The magistrate shall use the rates specified by the State Board as the minimum specified rates for transport, maintenance and treatment of the seized animals under sub-section (4) of section 35 of the Act.

(3) In case the animal under consideration is not on the rate sheet specified by the State Board, the magistrate shall fix the cost of transport, treatment and maintenance of the animal based on the input provided by the jurisdictional veterinary officer.

5. Execution of bond- (1) The magistrate when handing over the custody of animal to an infirmary, pineapple, SPCA, Animal Welfare Organization or Shaula shall determine an amount which is sufficient to cover all reasonable cost incurred and anticipated to be incurred for transport, maintenance and treatment of the animal based on the input provided by the jurisdictional veterinary officer and shall direct the accused and the owner to execute a bond of the determined value with sureties within three days and if the accused and owner do not execute the bond, the animal shall be forfeited to infirmary, pineapple, SPCA, Animal Welfare Organization or Shaula.

(2) The infirmary, pineapple, SPCA, Animal Welfare Organization or Shaula having the custody of the animal may draw on from the bond on a fortnightly basis the actual reasonable cost incurred in caring for the animal from the date it received custody till the date of final disposal of the animal.

(3) The magistrate shall call for the accused and the owner to execute additional bond with sureties once eighty per cent. of the initial bond amount has been exhausted as cost for caring for the animal.

(4) security Where a vehicle has been involved in an offence, the magistrate shall direct that the vehicle be held as a security.

(5) In case of offence relating to transport of animals, the vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severally liable for the cost of transport, treatment and care of animals

(6) In cases where a body corporate owns the animal, the Chief Executive Officer, President or highest-ranking employee of the body corporate, the body corporate and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal

(7) In cases where the Government owns the animal, the Head of the Department and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal.

(8) If the owner and the accused do not have the means to furnish the bond, the magistrate shall direct the local authority to undertake the costs involved and recover the same as arrears of land revenue.

While from the perusal of the said impugned order as well as from perusal of the case record it is quite clear that prior passing the said impugned order Id. court did not call for report from the concerned authority regarding the maintenance costs of the seized cattle and court never directed to the petitioner to deposit maintenance cost before concerned authority or before court and without any report regarding the maintenance costs of the seized cattle, court has observed in its impugned orders st. 23-07-25 inter alia that “....From perusal of the record, it appears that the vehicle in question was involved in transporting cattle in an overloaded and cruel manner, illegally without obtaining transport certificate as required under section 96 of Transport of Animal (Amendment) Rule, 2001.

Thereby, transporter violated the general condition of transport of cattle which is mandatory according to Rule 98 of Transport of Animal (Amendment) Rule, 2001. Transporter has also contravened the rules 47, 48, 49, 50, 51, 54 and 56 of Transport of Animal Rule, 1978.

Also, according to Rule 5 (4) of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 "where a vehicle has been involved in an offence, the Magistrate shall direct that the vehicle shall be held as security." And according to Rule 5 (5) of the same rule, "vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severely liable for cost of transport, treatment and care of animals."

Thus, in the light of above facts, circumstances and legal provisions it seems appropriate to not release the vehicle during the pendency of this case.

In the above facts and circumstances of the case, this present petition is hereby stands rejected".

8. While from the perusal of the impugned order dt. 23-07-25 as well as T.C.R it is quite clear that Id. court never called for any report regarding the maintenance costs of the seized cattle and furthermore Id. court never made any explicit order to the petitioner to pay or deposit definite/stipulated maintenance costs relating to the said seized cattle before concerned authority or before court. Since there is no report before this court regarding the transportation and maintenance costs of the seized cattle. Further, no doubt that being the owner of vehicle as well as the owner of seized cattle, revisionist-petitioner is liable to pay/deposit the transportation and maintenance cost of the cattle before the concerned authority.

Hence, in view of what has been discussed above, court finds that aforesaid impugned order dt. 23-07-25 is not sustainable in the eye of law. Hence this criminal revision is liable to be allowed, and the aforesaid impugned order dated 23-07-2025 as passed by the learned Court-below in the G.R. no. 3120/2025 is liable to be set aside.

So, under the circumstances, this criminal revision application is hereby allowed with observations as made above and accordingly impugned order dated 23-07-2025 passed in G.R. Case No. 3120/2025 by Sri Narayan Thakur, Id. J.M.

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Katihar are hereby set aside and accordingly Sri Narayan Thakur, Id. J.M. Katihar or his Id. Successor court is hereby directed to pass fresh order, considering the provisions of rule 04 and 05 of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules as well as other provisions of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Act and rules made under the said Act

Let the lower court record be sent back along with copy of this order to the court below and this record be deposited in the record room in accordance with law.

(Dictated)

Asutosh Rai
Addl. Sessions Judge-II, Katihar.
01-06-2026

The order has been corrected, pronounced, signed and dictated by me in the open court.

(Asutosh Rai)

Addl. Sessions Judge-II, Katihar
01-06-2026

Memo No. ----- Date:-----

A Copy has been forwarded to the concerned court for needful.

(Asutosh Rai)

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01-06-2026