



**Order below Exh.1**

This application is filed for interim custody of seized vehicle u/s. 503 of B.N.S.S.

2. Through this application, the applicant namely Harun Yusub Qureshi has prayed for the interim custody of Tata Ace bearing registration No. MH-16-AE-8406 having it's chassis No. MAT445056BVPA4353 and engine No. 275IDI06MYYSN828 seized by Police Station Officer, Shevgaon in Crime No.15/2026 stating that, he is registered owner of said vehicle and he is needed said vehicle for his daily use. It is contended that, if seized vehicle kept at Police Station for long time, same will be damaged. The applicant is ready to abide the conditions that may be imposed by the Court while releasing the said vehicle in his favour. Therefore, the applicant being registered owner of seized vehicle prayed to allow the application.

3. Say of I.O. and APP were called. Learned APP filed her say and objected the present application stating that, the said vehicle was seized in investigation of Cr.No.15/2026 for the offence punishable under Section 5, 5(A) & 9 of Maharashtra Animal Protection Act 1976, and under Section 11 of Prevention to cruelty to animal Act, 1960. It is further stated that, alleged offence levelled against the accused is serious and investigation of said crime is not completed. The seized vehicle is important piece of evidence. Applicant may change the nature of vehicle if interim custody is given to the applicant. It is further stated that, applicant may use the said vehicle for commission of similar offence if present application is allowed. On these grounds learned APP prayed to reject the application.

4. I.O. objected the present application by filling say at Exh.6 and

Exh.8 stating that, the said vehicle was used for illegal transportation of cow. It is further stated that, two cow and said vehicle were seized in aforesaid crime number and the possession of seized cow is handed over to Shrikrushna Goshala Talani and seized vehicle is now kept in the Police Station. It is further stated that, if custody of said vehicle is handed over to the applicant then he may use it for similar offence. On these grounds I.O. prayed to reject the application.

5. It is argued by learned advocate for applicant that, applicant is owner of seized vehicle, therefore, no purpose will be served by keeping the said vehicle in Police Station. It is submitted that, applicant is ready to deposit cattle maintenance charges including transportation, treatment and care of animal with the Shrikrushna Goshala, at the rate of Rs. 200/- per day per cattle from the date of its seizure till payment of that charge to said Goshala. It is submitted that, applicant is ready to obey the condition that may be imposed while allowing the application in his favour. Hence, he prayed to allow the application. In support of his submission the learned advocate for applicant has relied upon the judgment of Hon'ble Bombay High Court bench at Aurangabad in Abdul Majeed S/o Abdul Nabi Vs. The State of Maharashtra, Cri. Writ Petition No. 1145 of 2024 dated 06.02.2025.

6. The applicant has filed on record the copy of F.I.R., copy of vehicle particulars, verified copy of R.C. book and his adhar card. On perusal of F.I.R. it appears that, said vehicle appears to be seized on 08.01.2026 while transporting two cows for slaughtering purpose and accordingly, F.I.R. dated 08.01.2026 lodged for the offence punishable under Section 11 of Prevention to Cruelty to Animal Act and Section 5-A and 9 of Maharashtra Animal Preservation Act 1976. It appears that, Shevgaon police drawn the seizure panchnama of said vehicle and two cows. It appears from say of I.O. filed at Exh.8 that custody of said cows handed over to Shrikrushna Goshala Talani, Tal.Shevgaon for their care and seized vehicle now lying in police station.

7. The learned counsel for applicant submitted that, applicant is

registered owner of said vehicle, therefore, he is entitled for custody of it on supurtnama under Section 503 of B.N.S.S. He further submitted that, applicant is ready to deposit cattle maintenance charge with the Shrikrushna Goshala Talani, Tal. Shevgaon from the date of its seizure till the order and also ready to full fill all terms and conditions will may be impose by this Court. On perusal of say of I.O. it appears that, he formally objected the present application.

8. In the case of Abdul Majeed Abdul Nabi Vs. State as referred above, the question raised before the Hon'ble High Court that, whether the petitioners who are owners of seized vehicles for the offences under the Prevention of Cruelty to Animal Act, 1960 and rules, are entitled for custody of vehicle on payment of transport, treatment and animal care charges from the date of receipt of custody of animals by the animal care taker shelter till final disposal of the animals. In said case after seizure of cattle, custody of the cattle were given to the Goshala on the date of seizure. Also, petitioners had not claimed custody of the animals but they only claimed custody of the seized vehicle on supurtnama. The Hon'ble High Court after considering the provisions of Rule 5 of Prevention of Cruelty to Animals (Care and Maintenance of case Property Animals) Rules 2017, released the seized vehicle in favour of petitioners on imposing strict terms and conditions and thereby quashed and set aside the order of Lower Court.

9. In present case in hand, it appears from F.I.R. and say of I.O. that the said vehicle is seized while transporting two cows in that vehicle for slaughtering purpose and accordingly, F.I.R. came to be lodged against accused namely Dattatray Shirke and Madhukar Nivare for the offence punishable under Section 11 of Prevention of Cruelty to Animal Act and under Section 5-A and 9 of Maharashtra Animal Preservation Act, 1976. It appears from say of I.O. that, the custody of said cows are handed over to Shrikrushna Goshala Talani, Tal. Shevgaon for their care. It is pertinent to note that, the applicant in the present case have not claimed custody of the cows but, they only claimed interim custody of his seized vehicle.

10. The documents such as RC Book and copy of vehicle particulars filed by the applicant shows that, he is registered owner of seized vehicle. Therefore, in view of judgment of Hon'ble High Court in Abdul Majeed Abdul Nabi as referred above and facts and circumstances of the present case in hand the applicant is entitled for interim custody of seized vehicle on some terms and conditions. Hence, the application is entitled to be allowed. Hence, the following order:-

### ORDER

1. Application is allowed.
2. The interim custody of seized vehicle i.e Tata Ace bearing registration No.MH-16-AE-8406 having it's chassis No.MAT445056BVPA4353 and engine No.275IDI06MYYSN828 seized by Police Station Officer, Shevgaon in Crime No.15/2026 be handed over to applicant namely **Harun Yusub Shaikh** on execution of bond **with solvent surety** of Rs. 5,00,000/- (five lack rupees only) on following conditions: -
  - i. The applicant shall produce said vehicle as and when required by the appropriate authority or by the Court.
  - ii. The applicant shall not further transfer said vehicle by way of sale, exchange, gift or in any other manner to any person till final disposal of the case arising out Cr.No.15/2026 registered at Shevgaon, Police Station.
  - iii. The applicant is directed not to change the nature of vehicle till final disposal of the above said case.
  - iv. The applicant is further directed not to use said vehicle in any kind of offence.
  - v. The investigating officer shall conduct detail panchnama and take coloured photographs of seized vehicle from different angles, before releasing it.

3. Seized two cows are presently in custody of Shrikrushna Goshala Talani, Tal. Shevgaon since 08.01.2026. Therefore, applicant is directed to deposit amount of Rs.200/- per day per cattle towards their maintenance charges including transportation, treatment and care of animals with Shrikrushna Goshala Talani, Tal.Shevgaon at the rate of Rs.200/- per day per cattle from the date of its seizure till today i.e. total Rs.28,000/- for the period of 70 days towards maintenance of 2 cows.
4. The applicant shall furnish the receipt issued by Shrikrushna Goshala Talani, Tal. Shevgaon, in this Court along with affidavit.
5. Applicant is directed to execute the bond as directed above before this Court.
6. Copy of this order be sent to investigating officer and also Shrikrushna Goshala Talani, Tal. Shevgaon through Police Station Shevgaon for information.

Date - 20-03-2026  
Shevgaon

( D.R.Kulkarni )  
Judicial Magistrate F. C.,  
(Court no.3), Shevgaon.

**Certificate**

I affirm that the contents of this P. D. F. Judgment/ Order are same word to word, as per the original judgment/Order.

Name of Stenographer :- S.A.Chopane. Stenographer Grade-III.

Court Name :-Civil and Criminal Court, Shevgaon, Tal Shevgaon.

Judgment/Order declared on :- 20.03.2026

Judgment signed by Presiding officer on :- 20.03.2026

Judgment uploaded on :-20.03.2026

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