


MHBI150002922026 	<p style="text-align: center;"><b><u>CRIMINAL M. A. No.26/2026</u></b> <b><u>Satish S/o Subhash Natu</u></b> <b><u>Versus</u></b> <b><u>State of Maharashtra and other</u></b></p>
---	--

**ORDER BELOW EXH. 1**

1. This is an application filed by applicant to grant interim custody of 28 bullocks (hereinafter referred as "the Seized bullocks") on supurtnama.
2. Read the application and say. Heard the Ld. advocate for applicant, Ld. A.PP and Ld. Advocate for opponent No.2 Radhai Govansh Sanvardhan Kendra, Tagara (hereinafter it is reffered to as “the gaushala”).
3. The contentions of the applicant are that, the applicant is resident of Pimpalagaon, Tal. Daund Dist. Pune. He is farmer. The applicant works for Shrinath Mhaskoba Sugarcane factory. He works to transport sugarcane from the land of the farmers to the factory. Therefore, he needs a bullock carts and labourers for harvesting and transporting sugarcane to factory from farmers’ land. The applicant took seized bullocks from some mukadamas. The season of sugarcane factory is come to an end. Therefore, it is the the responsibility of applicant to return the seized bullocks to said mukadamas. Therefore, the applicant had loaded 28 bullocks in the two trucks. Out of the said bullocks, 14 bullocks were to be handed over to mukadam Kapil Dina Rathod at Pachegaon, Tal. Gevrai, Dist. Beed and other 14 bullocks were to be handed over to mukadam namely Vitthal

Ramdhan Rathod at Kekat-pangari, Tal. Gevrai, Dist. Beed. In such circumstances, the bullocks are seized by the police of Patoda police station on the ground of suspicion that the bullocks were being taken for slaughtering. According to him, he is an owner and possessor of the said bullocks. He is entitled for the interim custody of the seized bullocks. He is ready to take care of the bullocks and the said bullocks are needed for agricultural work. The applicant is ready to abide any condition which will be imposed by this Court in the event of release of seized bullocks on supurtnama. Hence, it is prayed to give interim custody of the seized bullocks to him.

4. On the contrary, the I.O. and Ld. A.P.P. have opposed the said application on the ground that, the seized bullocks were being taken for slaughtering. Opponent No. 2 Radhai Govansh Sanvardhan Kendra, Tagara i.e. the gaushala also opposed the application of the applicant. According to opponent No.2 the gaushala, the seized bullocks should be kept in the Gaushala for their protection, care and maintenance.

5. Learned advocate for the applicant argued that, the applicant is owner and possessor of the seized bullocks. He also produced photocopies of purchase receipts of bullocks from Krushi Utpanna Bazar Samiti, Danud, Dist. Pune. He filed the affidavit of his father and brother that though the receipts of some bullocks on their name, they have no objection to give interim custody of seized bullocks to the applicant. The affidavit filed by the mukadam namely Vitthal Ramdhan Radhod and driver of the truck namely Rohit Sadhu Gadekar also support to the case of applicant. The applicant who is accused in the present case has not committed any offence as alleged

by the prosecution. He is ready to take care of the seized bullocks and it also necessary for agriculture work. He is ready to abide all conditions which will put by Court at the time of passing of order in favour of applicant. Therefore, it is prayed to allow the application.

6. According to the Learned A.PP., the documents of ownership produced by the applicant are false. The seized bullocks were not being e-tagged as per the notification. The purchase receipts do not have any legal value. The bullocks were carried by the applicant in a cruel manner without any basic facilities i.e. food and water. Therefore, it is prayed to reject the application. The Ld. Adv for Gaushala argued that, for the care and protection of the said bullocks, it must be housed in the Gaushala during the pendency of the trial. They produced a compilation of case laws. However, they relied on only certain case laws, which will be discussed in the discussion.

7. As per the Section 503 of the Bharatiya Nagarik Suraksha Sanhita, whenever any property is seized by the police Officer and such property is not produced before the Court, the Magistrate may make such order as he thinks fit respecting the disposal of such property or delivery of such property to the person who is entitled to the possession of the property. Considering the wording mentioned in the 503 of the Bharatiya Nagarik Suraksha Sanhita, only the ownership is not important, the possession also an important factor while deciding the application under Section 503 of the Bharatiya Nagarik Suraksha Sanhita

8. As per the case of prosecution, the applicant did not give any document regarding the ownership of the bullocks at the time of

inquiry conducted by the police with him. Now, the applicant has produced photocopies of the purchase receipts of seized bullocks. The purchase receipts issued by Krushi Utpanna Bazar Samiti, Daund. On the purchase receipts, ear-tag numbers are also mentioned. The Ld. A.P.P. of the prosecution filed copies of letters issued by Assistant Commissioner, Department of Animal Husbandry and a letter issued by Assistant Public Prosecutor. These documents show that, Assistant Public Prosecutor has issued request letter to Veterinary Officer for verification of ear-tag numbers mentioned in the purchase receipts. The Assistant Commissioner reported that, the ear-tag numbers mentioned in the purchase receipts are not found on the N.D.L.M. website. The ear-tag numbers never contain letters. It contains only numbers. The ear-tag numbers have twelve digits. In this scenario, on perusal of the purchase receipts, it appears that, the ear-tag numbers mentioned on the purchase receipts are *prima facie* false. It creates doubt about the purchase receipts.

9. Moreover, some purchase receipts on the name of applicant's brother and father. No doubt, they have filed affidavit that they have no objection to handover the bullocks to the applicant. However, in the application, the applicant mentioned that the bullocks were taken by him from some mukadamas. Nowhere, it is mentioned that, the applicant purchased the seized bullocks from the Krushi Utpanna Bazar Samiti, Daund.

10. Mukadam namely Vitthal Ramdhan Rathod has filed affidavit. He contended that, the applicant used to keep his seized bullocks with him. At the time of incident, the said bullocks were transported to him by the applicant. As per his version, he used to

keep the said bullocks with some mukadamas till commencing the new season of sugarcane factories. It means the applicant is not keep or herding the said bullocks. The accused namely Rohit also filed affidavit contending that, the bullocks were being transported to mukadam Kapil Dina Rathod. However, the affidavit of accused cannot be taken into the consideration as the investigation of the police officer is going on.

**11.** According to the applicant, the seized bullocks were loaded after the completion of season of sugarcane factory namely Shrinath Mhaskoba Sugarcane Factory Ltd. Pathethan. The applicant also produced the copy of agreement on record. The said sugarcane factory also issued certificates Dt. 26.02.2026 in favour of the applicant that, the season of sugarcane factory has come to an end. Therefore, the applicant is permitted to transport the bullocks and material for using harvesting sugarcane and other things. Though the said documents are produced on the record by the applicant, the agreement is a photocopy and the seal of sugarcane factory is original. Further, the signatures of the concerned officers on the certificates are not original. However, filling the blanks of the certificates is original with original seal of sugarcane factory. Due to the false ear-tag mentioned on the above purchase receipts, the above factors also creates doubt about these documents.

**12.** On perusal of the F.I.R., it appears that, the accused were transporting the seized bullocks without permission or permit. The seized bullocks were transporting in the vehicle in a cruel manner for slaughtering.

**13.** The applicant is booked for the offence punishable under Section 5A, 5B of the Maharashtra Animal Preservation Act, 1976 and other Sections under the Maharashtra Police Act and Motor Vehicles Act. Therefore, it is necessary to see whether the applicant is entitled for interim custody of the seized bullocks or not. Section 5A provides punishment for transporting of the cattle for slaughtering and Section 5B provides punishment for purchasing and selling the cattle for slaughtering. The object of the said Act is to preservation of cows, bulls or bullocks useful for milch, breeding, draught or agriculture purpose and for restriction on slaughter for the preservation of certain other animals suitable for the said purpose.

**14.** The pairs of 7 bullocks were carried in each truck by the accused at the time of incident. As per the Rule 56(c) of the Transport of Animals Rules, 1978, only up to six animals can be transported in a vehicle. However, the applicant was found transporting 14 bullocks in each truck. It means the accused violated the above-mentioned rule. As per the case of prosecution, the said bullocks were being transported without any basic facilities such as water and food. The applicant has not taken any permission from the R.T.O. or certificate from the veterinary doctor for carrying the seized bullocks from Pimpalgaon to Beed. The applicant did not obtain certificates of fitness for the bullocks to transport them in the vehicle. The said important aspect shows that the accused i.e., the applicant was not taking care of the bullocks.

**15.** The applicant contended that he will take care of the seized bullocks. However, as discussed above, he never used to keep or herding the seized bullocks. Merely stating that he will take care of

the seized bullocks is not sufficient to give interim custody of it. He must state in which condition and manner he will keep the seized bullocks, whether any cattle shed is available, what kind of food will be supplied to the animals at regular intervals, what kind of medical treatment will be provided by him in future. He did not state anything about it in his application. The applicant failed to show that he has sufficient arrangement to provide care and protection to the seized bullocks.

16. During the argument, the Ld. Advocate for the applicant and prosecution, have relied on the judgment passed by the Hon'ble Supreme Court in case of *Shri. Chhatrapati Shivaji Gaushala Vs. State of Maharashtra [2022 SCC online SC 1402]*. Wherein, the Hon'ble Supreme Court mentioned certain factors that need to be taken into consideration while passing the order of interim custody of animals. In view of the relevant factors, the condition in which the animal was found at the time of inspection and seizure and the possibility of the animals being again subjected to cruelty are important.

17. As discussed above 14 bullocks were carried in each vehicle in a cruel manner and without providing basic facilities such as food and water. The said factors show that, the applicant was not taking care of the seized bullocks at the time of incident. Further in view of the observation made by the Hon'ble Apex Court in above judgment, it is necessary to see whether Radhai Govansh Sanvardhan Kendra, Tagara is functioning independently or under the scheme of the Board and it is answerable to the Board. Opponent No. 2 i.e. Radhai Govansh Sanvardhan Kendra, Tagara, Gaushala filed registration certificate issued by the Government of Maharashtra.

Panchayat Samiti, Patoda, also issued a certificate of more than 5 years of experience to the said Gaushala. The photographs also produced on record to show they have sufficient facilities for the seized bullocks. Opponent No. 2 i.e. the Gaushala shows its ready and willingness to keep the seized bullocks in Gaushala during the pendency of the trial. The certificate issued by the Government of Maharashtra to Gaushala shows that Gaushala is independent organization. There are sufficient facilities for taking care and protecting the seized bullocks in the Gaushala.

**18.** Admittedly, the Gaushala did not claim the interim custody of seized bullocks by filing separate application. However, the Gaushala resisted this application on the ground that they are ready to take care of the seized bullocks till the conclusion of the trial. Already, the seized bullocks are housed in the Radhai Govansh Sanvardhan Kendra, Tagara.

**19.** The Learned A.P.P. and Ld. Advocate for Gaushala relied on the judgment passed by the Hon'ble Bombay High Court bench at Aurangabad in case of Shaikh Saddam Samad Vs. State of Maharashtra (Cri. Writ Petition No.1775/2023, decided on Dt. 10/05/2024). In that case, the animals were seized by the police. The accused were booked for the offence punishable u/s 3,11,11(d) of the Protection of Animals from Cruelty Act, 1986. The seized animals were housed in the Gaushala, on the ground that the petitioner has not taken permission from R.T.O. and certificate from veterinary doctor for carrying those animals. The animals were transported for slaughtering purposes. In that case, the intervener trust has not made a separate application to claim interim custody of animals. In the

present case, sections 3, 11, 11(3)(d) of the the Protection of Animals from Cruelty Act, 1986 are not leveled against the accused. However, there is a similar case that the animals were being transported for slaughtering purposes. In the present case also, the applicant did not take any permission from R.T.O. and certificate from veterinary doctor for carrying the seized bullocks. In such scenerio, the ratio laid down by the Hon'ble High Court is applicable in the present case, and it would be proper to keep the seized bullocks in the Gaushala.

20. As discussed above, the applicant is not entitled for interim custody of the seized bullocks. Hence, the following order is passed.

**Order**

The application is rejected.

**(Mithun A. Shinde)**

Date:- 24.03.2026

I/c Judicial Magistrate First Class,

Place:- Patoda.

Patoda.