

MHCH120000092026

ORDER BELOW EXH.01 IN CRL MISC. APPLICATION No. 05/2026.

- 1) This is an application filed by applicant Sk. Israil Sk. Abdul vide sec.503 of B.N.S.S. with prayer to release his 6 male Black Buffalo (काळे हल्या) and 1 Buffalo (Total 7), seized by Umri Potdar Police Station, Tah. Pombhurna in Crime No.1/2026 for the offences punishable u/s. 11(1)(c)(d)(g)(j) of the Prevention of Cruelty to Animals Act, 1960. The application is supported by an affidavit of applicant.
- 2) Say was called from the I.O., Ld. A.P.P. and Pyar Foundation (गौशाला). They have raised objection to handover the animals to the applicant. They submitted that, the animals seized in this crime were being transported sizzling (कौबुन), mercilessly without documents of transportation of seized animals. They further submitted that, if the seized animals handed over to applicant, the possibility of sizzling (कौबुन), mercilessly transportation can not be ruled out. Hence, prayed for rejection of the application.
- 3) Heard, argument advanced by the learned counsel for the applicant and A.P.P. at length. With respect I perused the case of the Hon'ble Supreme Court of India in **Criminal Appeal No.1719/2022 Shri. Chatrapati Shivaji Goshala Vs. State of Maharashtra & Ors.** wherein the Hon'ble Apex Court observed that – interim custody of animals – Magistrate has discretion to hand over interim custody of animals to Pinjrapole, but it is not bound to do so. Also in the present case in para no. 17 Hon'ble Apex court observed that, at the time of considering of interim custody the nature and the gravity of offence alleged against the owner relevant.
- 4) On perusal of record, it appears that, the applicant has filed with list of documents at Exh. 3 verified copy of Adhar Card, Verified copy of Gram Panchayat Cattle 2 receipts and copy of FIR. The purchase-receipt with list of documents (Exh.3) at Sr. 2 and 3 of the seized animals prima facie shows that applicant has purchased the seized animals. Hence, prima-facie, it reveals that applicant is the owner of the seized animals.

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5) On perusal of F.I.R., say of I.O. and A.P.P. and Pyar Foundation (गौशाला) prima facie following thing appeared in the matter.

- i) 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (Total 7) were being transported in Two small vehicles (TATA S) bearing No. MH29BE6846 and MH29BE8678
- ii) No arrangement found relating food and water.
- iii) No valid permission to transport seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (Total 7).
- iv) No specific vehicle for transporting seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (Total 7).
- v) Seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (Total 7) were transported were mercilessly.
- vi) Seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (Total 7) were transported in small vehicle without capacity of vehicle(कौबून).
- vii) Prima facie it also appeared that, seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (Total 7) are no chance to move in the vehicle during transporting.


6) Considering above all reason prima facie it appeared that there is cruelty against seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (Total 7) due to that violation of Prevention of cruelty to animal act u/s. u/s. 11(1)(c)(d)(g)(j) of the Prevention of Cruelty to Animals Act, 1960 also violation of transport of animal rules 1978. in the light of above discussion it is unsafe to grant interim custody of seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (Total 7) to the owner because again possibility of cruelty, sizzling (कौबून) and mercilessly to seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (Total 7) can not be ruled out. Hence I pass following order.

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ORDER

- (1) The application is rejected.
- (2) The applicant is directed to pay Rs.200 per day/- each seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (total 7) which is mentioned in Ex.1. to Pyar Foundation (गौशाला), Tq. & District Chandrapur as maintenance charges from the date on which seized 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (total 7) is in custody of Pyar Foundation (गौशाला), Tq. & District Chandrapur till custody of said 6 male Black Buffalo (काळे हल्या) and 1 Baffalo (total 7) handover to applicant owner.

Date : 01/04/2026


(Q.A.N.SARWARI)
Judicial Magistrate F.C.(I/C)
Pombhurna, Dist. Chandrapur