

Cri.M.A. No.98/2026

Through Power of Attorney
Rafik Husain Sayyad
Age 34 years, Occ. Business,
R/o. Lakkadkot.,
Tah. Rajura, Dist. Chandrapur

... APPLICANT

State of Maharashtra,
Through Police Station Officer,
Police Station, Chamorshi.
Tah. Chamorshi, Dist. Gadchiroli

... NON-APPLICANT

Appearance : Advocate for the applicant : Shri. D. R. Puttawar
Spl. APP for State : Shri. D. V. Donadkar

(Passed on 24th June, 2026)

1] The present application is moved by the applicant under S. 503 Bharatiya Nagrik Suraksha Sanhita thereby soliciting to release the seized vehicle property namely Mahindra Bol Max Peak up bearing no. MH 34 BZ 0943 and Chasis No. MA1ZU2TNKN1A11057 on supratnama.

2] Perused the application and reply thereon. Heard.

3] I have taken into consideration the provisions enshrined in the Act of 1960 and the Rules of 2017. It is not disputed that the applicant is the owner of the seized vehicle. Both the learned APP and learned advocate for the accused has not drew the attention of the Court to any specific provision about confiscation of the vehicle. In absence of such provision under the Rules of 2017, the general provisions under the Bhartiya Nagrik Suraksha Sanhita would apply.

4] Perused FIR, RC Book bearing no. MH 34 BZ 0943, and Aadhar Card. The accused is charged with the offence punishable under S.11(1)(d) of The Prevention of Cruelty to Animals Act, 1960, S.5(A) (B), 9, 11 of the Maharashtra Animal Preservation Act, 1976 and S.119 of the Maharashtra Police Act, 1951. It appears that the particulars of vehicle is in the name of Applicant.

5] The Rules of 2017 are exhaustive to contend about the custody of animals pending litigation, cost of care and maintenance of animals pending litigation, execution of bond etc. Rule 5(1) of the Rules of 2017 mandates that, the Magistrate while handing over the custody of animals to the Gaushala, shall determine the reasonable amount and cost incurred and anticipated to be incurred for transport, maintenance and treatment of the animals and shall direct the accused and the owner to execute a bond of determined value with surety within three days and on its failure, the animal shall stand forfeited to Gaushala. The said Rule never casts any obligation upon the vehicle owner, but it speaks about the obligation of the owner of animals. Much emphasis is laid on Sub-rules (4) and (5) of the Rules of 2017 which says that the vehicle involved in the offence shall direct to be

held as a security and the vehicle owner shall be jointly and severally liable for cost of transport, treatment and care of animals. Since Sub-clause (5) of said Rules casts joint and several liability, the vehicle owner cannot shade his responsibility of paying cost for care and maintenance.

6] In light of above discussion, the following order is passed:

ORDER

- 1] The application is allowed subject to the vehicle being held as a security.
- 2] The four wheeler vehicle property namely, Mahindra Bol Max Peak up bearing no. MH 34 BZ 0943 and Chasis No. MA1ZU2TNKN1A11057 be handed over to the applicant on execution of indemnity bond of Rs. 20,00,000/- until the disposal of the case or further order of this Court incorporating the following conditions :
 - a) He shall file valid insurance papers of the seized vehicle.
 - b) He shall deposit the respective amount at the rate of Rs.200/- per cattle for the period of 10 days.
 - c) He will produce the vehicle as and when required before the Court.
 - d) He will not transfer or dispose it of in any manner whatsoever without prior permission of this Court.
 - e) He will not alter, tamper or change the nature of the vehicle in any manner whatsoever.
 - f) He will not use it to commit any offence.
- 3] If he fails to abide by any of the conditions, his bond would be forfeited.

- 4] For fair trial, Investigation Officer in crime no.147/2026 is directed to prepare proper and detailed panchanama describing the nature of the property in details after taking colour photographs of the vehicle and file the same with the charge-sheet.
- 5] The *afore* said photographs shall be signed by the complainant, accused as well as the applicant.
- 6] The copy of this order be sent to P. S. Chamorshi to file it in crime no. 147/2026.
- 7] The Investigating Officer shall return the vehicle to the applicant after verifying the ownership and on confirming that the vehicle is duly insured.
- 8] Application is disposed of accordingly.

Date: 24.06.2026.

Sd/-
(S. A. Bhaisare)
Judicial Magistrate, First Class,
Chamorshi