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**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
CHAMORSHI, DIST. GADCHIROLI.**

(Presided over by Y.J. Valvi)

Cri. M.A. No.103/2026

Exh.1

Abdul Samir Abdul Jahir Sheikh
Age 46 years, Occu. - Business,
R/o. Azad Chowk Rajura,
Tah.Rajura, Dist.Chandrapur.

Applicant

Vs

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

Non-applicant

.....
Adv for applicant

: Shri D. R. Puttawar

Adv for Non-applicant

: Shri S. M. Salame, APP
.....

Judgment

(Delivered on 18/06/2026)

The instant application is filed under section 503 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for releasing four wheeler Mahindra And
Mahindra Company Bolero TUV 300 bearing registration No. HR 51-BP-
0340, Chassis no.MA1NA2VZXH6C45400 and engine no.VZH6C24382
seized in Crime No. 148/2026 for the offence p/u/s 9, 5(a)(b), of

Maharashtra Animal Protection Act, r/w. Section 11(1)(d), 11(1)(e) of Prevention of Cruelty to Animal Act and section 325 r/w. 3(5) of Bharatiya Nyaya Sanhita, 2023, registered at police station Chamorshi.

2. It is the contention of the applicant that, he is registered owner of the above mentioned vehicle. Chamorshi police have seized the vehicle on the charge of offence under Maharashtra Animal Preservation Act and Prevention of Cruelty to animal Act in crime no. 148/2026. The vehicle is standing idle and unattended in police station Chamorshi. The vehicle is required for daily use. The applicant is ready to abide by any condition to be imposed by this court while releasing the vehicle.

3. I.O. and Ld A.P.P. opposed the application by filing the say. I.O submitted that, the said vehicle was used in crime for piloting. I.O further submitted that if the said vehicle is released, applicant will use the vehicle for trade of animals for slaughtering. The applicant will again commit similar kind of offences. Therefore, I.O. prayed for rejection of the application.

4. Ld APP submitted that, police have seized the animals from the possession of the accused and now the animals are in legal possession of the Gorakshan Sanstha. Ld APP further submitted that, if the vehicle is released, accused may sell or modify the vehicle. As per the notification of the Government of India, the vehicle may be held as security. Ld APP further submitted that, the investigation is in progress. Hence, Ld APP prayed that application be rejected.

5. Heard Ld advocate for the applicant and Ld APP.

6. Learned advocate for the applicant submitted that, the maintenance cost of animals have been already paid as per the order in Cri.M.A. No. 84/2026 and Cri.M.A. No. 82/2026 passed by the Court. The

applicant is not liable to pay maintenance cost of the animals seized in the crime. The said vehicle was not used in transport of animals. Therefore, the vehicle cannot be held as security. Therefore, he prayed to release the vehicle on bond.

7. Learned A.P.P. submitted that, as per the notification dated 23/05/2017 the said vehicle and its owner is liable to pay maintenance cost of the animals seized in the present crime no. 148/2026. He further submitted that, Rule 4 (2) (3), Rule 5 (3) (4) (5) of the said notification imposes liability on the applicant to pay maintenance cost of the animals. He further submitted that, the vehicle was used in commission of crime. Therefore, the application is liable for rejection.

8. Following point arose for my consideration and I have recorded my finding against them with reason to follow.

Sr. No.	Point	Reason
1	Whether applicant is entitled to the interim custody of vehicle on Supratnama.	Yes
2	Whether applicant and accused are jointly and severally liable to pay the maintenance cost of the animal. If yes, what is the maintenance cost of the animal to be paid by the applicant and accused and at what rate.	Yes and at the rate of Rs.200/- per day per animal for the period from seizure of the animal till the date of the order of this court.
3	What order ?	As per final order.

REASON

As to point no.1 :

9. It appears from document on record that applicant is the owner of the vehicle. Ld APP contended that vehicle cannot be released on Supratnama as Rule 5(4) of the notification issued by Central Government

on 23/05/2017 provides that where vehicle has been involved in an offence the Magistrate shall direct that the vehicle be held as security. In judgment of Hon'ble Bombay High Court, in **Tahir A. Matin Sheikh Vs. State of Maharashtra and Gowardhan Gowansha Seva Anusandhan Kendra in Criminal Writ Petition No.685/2022**, it is held by Hon'ble Bombay High Court that the Act and Rule would show that there is no provision for confiscation of the vehicle involved in the crime committed under the Act therefore disposal of the property has to take place in terms of the provision of section 457 of Code of Criminal Procedure at the time of the final decision of the case. The ratio laid down in above mention case is squarely applicable to the present case. As per the above mentioned authority the vehicle can be released on Suprudnama. The apprehension regarding the using the vehicle in commission of similar offence can be taken care of by imposing the condition on the applicant.

10. Hence, it is just and proper to release vehicle on Supurdnama. Therefore, I answer the point no.1 in affirmative.

As to the point no.2

11. Ld APP contended that the applicant and accused are jointly and severally liable to pay the maintenance cost of the animal according to the Rule 5(5) of notification dated 23/05/2017.

12. Now, the question arise how the maintenance cost shall be determined. There is no rate sheet provided by the State Government. As per Rule 4(2) the Magistrate shall use the rate specified by the State Board as the minimum specified rate for transport, maintenance and treatment of the seized animal under sub-section 4 of section 35 of the Act which authorized the State Government to decide the cost of transporting and maintenance of the animal. As I said earlier no rate sheet was provided by the government. In the absence of the rate sheet, the rate of Rs.200/- per

animal which was taken into the consideration in judgment of **Hon'ble Bombay High Court in Altaf Babaru Sheikh Vs State of Maharashtra & Others in Criminal Writ Petition No.2466/2022** can be determined for each animal seized from the vehicle. As per the Rule 5(2) of the said notification, the Gaushala in which the animals have been kept are entitled to the maintenance cost from the date when it received the custody till the final disposal of the animals. The duration for which the cost of animal may be ordered is from the seizure of the animal till the order of this application. In the instant case the 24 animals were alive and 03 animals were dead at the time of seizure from the vehicle on 05/04/2026. The maintenance cost of 10 days of said animals have been paid as per the order in Cri.M.A. No. 84/2026 and Cri.M.A. No. 82/2026 passed by the Court which are liable to be excluded in calculating the maintenance cost of the animals.

13. To calculate the cost of maintenance of animal following charts are prepared :-

Cost of the per animal	Total animal	Duration from 05/04/2026 to 18/06/2026	Total amount
Rs. 200/-	24	74 days (The applicant is entitled to exclude 10 days maintenance cost)	Rs.3,07,200/-

14. In view of above chart the applicant and accused are jointly and severally liable to pay the Rs. 3,07,200/- towards the cost of the maintenance of the animals. Applicant and accused are also jointly and severally liable to pay the future amount of Rs.200/- per day per animal till final conclusion of the trial. Hence, I answer the point no.2 in affirmative and in answer to point no.3 I proceed to pass following order.

ORDER

- 1 This application to release the vehicle on Supurdnama is allowed.
- 2 Mahindra And Mahindra Company Bolero TUV 300 bearing registration No. HR 51-BP-0340, Chassis no. MA1NA2VZXH6C45400 and engine no.VZH6C24382 seized in Crime No. 148/2026 be returned to applicant Shri. Abdul Samir Abdul Jahir Sheikh till the conclusion of the trial on executing indemnity bond of 4,00,000/- (Rs. four Lakh Only) with solvent surety of like amount on following condition.
 - a. The applicant and accused in Crime no. 148/2026 is hereby directed to pay the cost of Rs. 3,07,200/- jointly and severally to concerned care taker institution for transport, treatment and care of the animals within 3 days from the date of this order.
 - b. The applicant and accused are directed to execute the bond of Rs.4,00,000/- with surety of like amount within three days failing which 24 animal shall be forfeited to care taker institution.
 - c. The applicant and accused shall continue to pay future amount of Rs.200/- per day per animal till final conclusion of the trial.
 - d. In case applicant and accused failed the execute the bond of Rs.4,00,000/- the vehicle shall be held as security in view of Rule 5(4) of the rules-2017.
- 3 The applicant to undertake that he shall not sell, transfer or create any third party interest on the above vehicle and he shall not change the nature of vehicle. The applicant to maintain and preserve vehicle in all respects. The applicant shall produce the vehicle in question as and when required

and directed by the court and investigation officer. The applicant is further directed to undertake that he shall not use the vehicle in commission of any offence including the offence in which the vehicle was seized.

- 4 The I. O. is directed to prepare detail panchanama of the said vehicle, take photograph of the vehicle from four angles and release the above vehicle.
- 5 Prosecution is at liberty to approach this court for cancellation of the supratnama bond in case of breach of condition by the applicant or anybody on behalf of the applicant.
- 6 The record and proceeding of this application be attached to the charge-sheet in crime 148/2026.
- 7 The custody of the said vehicle is interim pending trial and subject to final order in the case.

Dt. 18/06/2026

(Y.J.Valvi)
Judicial Magistrate F.C.,
Chamorshi.

