



Presented on :- 26/05/2026,
Registered on :- 26/05/2026,
Decided on :- 10/06/2026,
Duration:- 00-Y. 00M. 13D.

**BEFORE THE COURT OF ADDITIONAL SESSIONS JUDGE AT
GONDIA.**

(Presided over by M. T. Asim)

CRIMINAL REVISION APPLICATION NO. 29/2026
(CNR NO.MHGO010009302026)

EXH.NO.

Bablu s/o Dipak Gaikwad

Aged 26 years, Occ. Job

R/o- Plot No.19, Kamptee Road

Hamid Nagar, Nagpur.

(Represented through power of attorney)

Shri Shoheb s/o Mukim Beg

Aged 26 years, Occ. Transporter

R/o- Changera, Post Satona

Tah. and Dist. Gondia.

* * * **APPLICANT.**

- V E R S U S -

State of Maharashtra,

Through, D.G.P. Gondia.

* * * **NON-APPLICANT.**

REVISION UNDER SECTION 438 R/W SEC. 440 OF BNSS.

Mr. M.A. Shaikh, advocate for the Applicant.

Mr. V. N. Chute, APP for State/Non applicant.

J U D G M E N T

(Delivered on this 10th day of June, 2026)

Applicant/revisionist being aggrieved by order
dated 06-05-2026 passed in Misc. Cri. Application No.
134/2026 by learned JMFC Gondia, Court No.4 filed present

revision application through power of attorney holder Shoheb s/o Mukim Beg.

(Revisionist *is here-in-after referred with his original status as applicant*)

2] Brief facts of the present case are as under;

On 22-02-2026 offence punishable under sections 5, 11(1) D of the Prevention of Cruelty to Animals Act and section 5(A), 9 (A) of Maharashtra Preservation of Animal's Act has been registered with police station Rawanwadi vide Crime No.139/2026. In the said crime Rawanwadi police station has seized 10 bovines alongwith vehicle Tata Intra V-30 four wheeler bearing registration No.MH-49-AT-28642. It is contended that applicant is registered owner of the said vehicle. Applicant has applied for suprutnama of said vehicle. Learned Trial Court passed impugned order allowing suprutnama application with harsh and stringent conditions. Applicant being aggrieved by conditions imposed preferred this revision on the count that impugned order is wrong and trial court has committed mistake in holding that applicant who is the owner of seized Tata Intra V-30 four wheeler vehicle bearing registration No.MH-49-AT-28642 and accused are liable to pay cost towards maintenance of 10 seized animals jointly and severally. This condition is illegal. Learned Magistrate committed grave mistake while considering Rule 5 of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017. (hereinafter referred as **Rules, 2017** for the sake of brevity) and imposed harsh and stringent conditions and accordingly

prayed to allow revision petition by setting-aside the impugned order and further requested to allow him interim custody of Tata Intra V-30 four wheeler only with a condition to execute suprutnama bond.

3] Ld. APP Shri Chute filed say on overleaf of present applicant and opposed application on the ground that offence is serious and against society. Learned Trial Court rightly passed impugned order which is just and proper and requested to reject revision application.

4] Perused record of present case. Heard learned advocate for applicant and learned APP

5] Following points arise for my determination, and I have recorded my findings to same with reasons to follow as under:

<u>Points</u>	<u>Findings</u>
1] Whether conditions imposed in impugned order are harsh and stringent ?	***Yes.
2] Whether impugned order calls for interference?	***Impugned order is modified.
3] What order?	*** As per final order.

REASONS.

6] AS TO POINT NO. 1 & 2 :-

At the outset I would like to mention that it is not in dispute that applicant is registered owner of Tata Intra V-30

four wheeler vehicle No.MH-49-AT-28642. Copy of Smart Card of registration also supports the claim of applicant. Applicant has filed copy of notarized General Power of Attorney whereby he has authorized POA Shoheb Mukim Beg to apply in court for release of vehicle on suprutnama.

7] It is pertinent to note that in view of Rule 5 of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 Learned Magistrate is empowered to direct accused and owner of animals to execute a bond of the determined value with sureties within three days of handing over custody of animal to infirmary, Pinjrapole, SPCA, Animal Welfare Organization or Gaushala. Such value shall cover all reasonable cost incurred and anticipated to be incurred for transport, maintenance and treatment of the animal based on the input provided by the jurisdictional veterinary officer. Further the Magistrate can direct that the vehicle be held as a security where vehicle has been involved in the offence. Moreso, Magistrate is also empowered in case of offence related to transport of animals, the vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severally liable for cost of transport, treatment and care of animals. That being so contention of applicant that Magistrate cannot fasten liability jointly and severally upon accused and applicant for maintenance and care of 10 animals while giving interim custody to the applicant has no merits.

8] As per clause 3 the Magistrate has directed to the accused and the applicant to deposit respective amount at rate of Rs.125/- per day for each of 10 bovines from 21-02-2026 till date of actual payment of said maintenance amount in the Vitthal Rukhamini Trust, Kornj, Jirutola, Tq. and District – Gondia. The learned Magistrate further directed to applicant and accused to execute a bond of Rs.2,00,000/- (Rupees Two Lakhs Only) with two solvent sureties for further payment of maintenance amount in compliance of Rule 5 of the said Rules. It also appears that accused and applicant were directed to furnish solvent surety in the sum of Rs.5,00,000/- (Rupees Five Lakhs only) for handing over temporary custody of the seized vehicle.

9] It is to be noted that Rule 5(1) speaks about determination of all reasonable cost incurred and anticipated to be incurred for transport, maintenance and treatment of animal and also empowered the Magistrate to direct accused and owner of animal to execute a bond of the determined value with sureties. But in the present case Magistrate has directed accused and applicant to deposit respective amount at the rate of Rs.125/- per day per bovine from 21-02-2026 in Vitthal Rukhamini Trust, Kornj, Jirutola. The Magistrate ought to have directed accused and applicant to execute bond instead of depositing the amount. Impugned direction is not consistent with Rule 5(1) of the said Rules. No doubt keeping in view Rule 5 of the said Rules the Magistrate can direct to accused and applicant to execute bond of determined value

with sureties for the purposes of maintenance and treatment of animals and also can direct accused and owner to execute additional bond with sureties once 80% of initial bond amount has been exhausted as cost for caring of the animal.

10] In my view direction to execute bond of Rs.2,00,000/- along with two solvent sureties appears to be too high considering the fact that maintenance charges of 10 seized bovine is calculated at the rate of Rs.125/- per day per animal in relation to further maintenance of those animals. Moreso direction to furnish solvent surety of Rs.5,00,000/- by way of clause 5 is also too high. A bond needs to be rationalized keeping in view maintenance charges. Further it appears from clause 11 of the operative order of impugned order that applicant was directed to deposit the arrears charges and furnish the bond. As pointed earlier in view of Rule 5(1) of the Rules the Magistrate can direct applicant to execute bond. That being so asking him to deposit arrears is not consistent with aforesaid Rule. Therefore, clauses 3, 4, 5 and 11 of impugned order need to be modified and accordingly I modify the same. Therefore, I answer point Nos.1 and 2 accordingly. Hence, this order.

ORDER

- 1] Criminal Revision Application No.29/2026 is partly allowed to the extent of modification of clauses 3,4,5 and 11 of impugned order.
- 2] Clauses 3, 4, 5 and 11 of impugned order are modified

and substituted as under:

- 3] The accused and applicant shall execute bond of Rs.2,00,000/- along with one or two solvent sureties for payment of maintenance charges of 10 seized bovine at the rate of Rs.125/- per day per animal from 21-02-2026.
- 4] The applicant shall execute an additional bond of Rs.1,00,000/- with one solvent surety for further payment of maintenance amount in compliance of Rule 5 of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 at the rate of Rs.125/- per day per animal for 10 bovines till disposal of case.
- 5] Applicant shall execute indemnity bond in sum of Rs.2,00,000/- for handing over temporary custody of seized vehicle to him.
- 11] Applicant shall furnish bond and solvent sureties in terms of clause 3 to 5.
- 3] Other conditions mentioned in rest of clauses of impugned order to remain intact.
- 4] Informed to concern court accordingly.
- 5] Accordingly, revision stands disposed of.

Gondia.

Dated:- 10-06-2026.

(M. T. Asim)
Additional Sessions Judge,
Gondia.