

MHGO070002532026

**Order Below Exh.1.**(Passed on this 15th day of April, 2026)

The present application is moved by the applicant under Section 503 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for releasing seized truck bearing registration No. KA-32/C-7972 on suprutnama. It is further submitted that offence is registered vide Crime No.99/2026 punishable Under Sections 11(1)(d)(e)(f) of Prevention of Cruelty to Animals Act, 1960. It is contention of the applicant that one Mujahid s/o Fayaj Ahamad is the registered owner of the seized vehicle and the applicant has purchased it from him on 07/03/2026. It is further contended by the applicant that non-applicant no. 2 Mujahid has given an affidavit to that effect and has handed over original documents in respect of the seized vehicle to the applicant and he has no objection to release the said vehicle on the supratnama of the applicant. If the said vehicle is kept lying in the police station, it will become junk day by day. Lastly, he prayed to grant the application.

2. The investigating officer filed say and submitted that the seized animals are handed over to Laxmi Goushala Charitable Trust, Chutiya, Taluka and Distt. Gondia. The I. O. has objection to release the said vehicle on supratnama of the applicant. Learned APP Miss R. S. Sangidwar filed her say and submitted to reject application.

3. Heard Learned Advocate Shri S. K. Mansuri for the applicant, Learned APP Smt. R. S. Sangidwar for the State.

4. Perused the application, say, F.I.R. and documents filed along with it. The application is supported by an affidavit of the applicant.

5. The applicant also filed the documents i.e. Copy of FIR, Adhar card of applicant and non-applicant no. 2, Affidavit, original sale deed of the vehicle, vehicle particulars, transit permit, insurance certificate and R. C. book.

6. I have gone through the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules 2017. In view of Rule 5(4), where a vehicle has been involved in an offence, the Magistrate shall direct that the vehicle be hold as security. Likewise, Rule 5(5), in case of offence relating to transport of animals, the vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severally liable for the cost of transport, treatment and care of animals. This rule casts joint and several liability on vehicle owner also. Thus, the owner of vehicle also held responsible of paying cost as above. However, in the present crime total 13 animals were seized by the investigating officer alongwith said vehicle. These 13 animals were directed to be released on supurtanama in favor of his owner namely Santoshkumar Singh Nanda Ramsingh vide order dt. 10/04/2026 passed in Misc. Cr. Appln. No. 17/2026. It was also ordered to pay and deposit cost towards care and maintenance of the animals to the Gaushala where these animals were kept. Said

cost amount has been directed to be paid by the owner of the animals. Thus, one Santoshkumar Singh Nanda Ramsingh who is the owner of the animals has filed an affidavit cum undertaking (Exh. 11) stating that he is ready to deposit costs amount towards the maintenance and care of the animals to the Gaushala. Thus, in view of the said affidavit (Exh. 11) I found that, owner of the animal is ready to pay the costs of maintenance of animals to the Gaushala. Hence, present applicant is not liable to pay said maintenance costs to the Gaushala.

7. From the affidavit of Non-applicant no. 2 and copy of sale deed of the vehicle, I found that, the applicant appears to be possessor and owner of seized vehicle. As the applicant shown his ownership over the seized vehicle and non-applicant no. 2 has given no objection to release said vehicle in the favor of the applicant, he is entitled for possession of the same. No purpose would be served in keeping said vehicle lying in the police station. The possibility of damages to said vehicle cannot be ruled out, if kept lying in the police station. The trial would not be concluded in near future. As the applicant shown his ownership and possession over the seized vehicle, he is entitled for possession of the same. In the result, I pass the following order :

ORDER

1. The application is allowed as follows :
 - a) The I. O. police station, Deori is directed to handover interim custody of the seized truck i.e. **Eicher truck, bearing registration No. KA-32/C-7972** to the

applicant **Ibtedar E Alam** till conclusion of the trial on executing indemnity bond of Rs. 12,00,000/-.

- b) The applicant is directed to submit indemnity bond before I.O. and I. O. is directed to file said indemnity bond with charge-sheet.
2. The I.O. is further directed to take photographs and prepare panchanama of seized vehicle while handing-over to the applicant and the same be filed with the case.
3. The applicant shall not sell, transfer the ownership or change the nature of seized vehicle till conclusion of trial.
4. The applicant to maintain and preserve the muddemal in all respects and shall not use said vehicle in any other crime in future.
5. Applicant shall produce said vehicle as and when required and directed by this Court.

Date :15.04.2026.

(V. S. Mendhe)
Judicial Magistrate F.C.,
Deori