

MHJN010006592026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE-2, JALNA
CRIMINAL REVISION APPLICATION No.12 OF 2026

Sk. Mujib Sk. Ajij

.... Applicant

V/s.**The State of Maharashtra**

.... Respondent

Appearance :

Shri.D.A.Wighne, the learned advocate for the applicant

Shri.B.V.Ingle, the learned In-charge D.G.P for the respondent

ORDER BELOW EXH.1

(Delivered on 19.05.2026)

. By way of instant revision, the revisionist/applicant invoke the inherent jurisdiction of this Court under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, "BNSS") to set aside the impugned order dated 26.02.2026 passed by the learned Judicial Magistrate First Class, No.4 Jalna in Cri. M.A.No.122 of 2026 (The parties are hereinafter referred as per their original status in Cri. M.A.No.122 of 2026).

02. The case of applicant in brief that, he is agriculturist and businessman dealing with sale and purchase of animal from weekly market. On 06.02.2026 Chandanzira police registered crime No.47 of 2026 u/s 11(1)(b) of Prevention to Cruelty to Animals Act filed by one Krushna Gaherao. In the complaint it is alleged that when the informant

was near grader 'T' point, he saw a truck carrying animals. He called his companions and police was called. Police seized 16 buffalo calves from the truck and they were handed over to Go-shala.

03. Applicant being owner of the animals, filed application for interim custody u/s 503 of BNSS. The same was rejected by the learned Judicial Magistrate First Class, No.4 Jalna, which is the order under challenge.

04. As per the applicant, the impugned order is against the law, acts and procedure. The learned trial Court misinterpreted the law and order is based on assumption and presumption, which is liable to be set aside. It is also contended that the complaint is filed by the informant who is a labourer and not police. In the order, it is mentioned that the the applicant mentioned about purchasing six horses and 16 cows/buffaloes, which were seized from the vehicle. However, there is no mentioned about it in the order. The date of offence shown in the FIR is 08.02.2026 and in the complaint it is mentioned as 05.01.2026. The offence came to be registered on 06.02.2026. Even then , the application of the informant is rejected. The applicant was ready to undertake that he will take proper care of the animals and not sell or slaughter them, but his application was rejected. Hence, this petition is filed.

05. Prosecution resisted the application by filing say vide Exh.6. It is contended that crime No.47 of 2026 is registered under Section 9, 9(a) of Maharashtra Animal Preservation Act and Section 11(1) of Prevention of Cruelty to Animals Act. The learned trial Court

has rejected the application for custody of 24 big and small buffaloes and calves. The seized animals are evidence in the case and they may be sold or slaughter. The order of the trial Court is appropriate and proper and therefore, the application is sought to be rejected.

06. Heard the learned advocate Shri.D.A.Vighne for the applicant and learned In-charge D.G.P Shri.B.V.Ingle for the respondent.

07. Following points arise for my determination and my findings thereon are as under for the reasons to follow :

<u>POINTS</u>	<u>FINDINGS</u>
(1) Whether the impugned order dated 26.02.2026 passed by learned Judicial Magistrate First Class No.4, Jalna in Cri. M.A.No.122 of 2026 calls for any interference?	 In negative.
(2) What order?	Revision is dismissed.

REASONS

As to points No.1 & 2 :-

08. The learned counsel for the petition submitted that the complaint was filed under provisions of Section 11(1)(b) of the Prevention of Cruelty to Animals Act. However, it is not mentioned when the provisions of Section 9 were applied and the same are not applicable, as the animals are not cows. He contends that the applicant is purchaser of the cattle and the vehicle has permission to transport animals. He also submitted that applicant has filed the purchase bills.

09. The learned Prosecutor submitted that section 9 of the Maharashtra Animal Preservation Act was added on the report dated 24.03.2026. The truck carrying the animals was over crowded, was in harm to the health of cattles.

10. Perused the documents filed by the applicant vide Exh.3 i.e. copy of FIR, impugned order, certificate of transport of animals in motor vehicle No.MH-04-LY-8183, 7/12 extract, Aadhaar Card of applicant, copy of MA No.122 of 2026 with order and purchase receipts, filed along with Exh.10.

11. It is admitted fact that on 05.01.2026 the truck was carrying 24 cattles. The applicant claims to be the owner of the animals, which were found in the truck and seized. On perusal of the impugned order, it is seen that the learned trial Court has considered the submissions of the applicant and held that from the purchase receipts, the identity of the animals are not made-out.

12. Another contention raised by the applicant is that, the provisions of Section 9 of the Maharashtra Animal Preservation Act are not applicable. However, the provisions of provisions of Maharashtra Animal Preservation Act, prohibits the transport, export, sale, purchase, disposal of cow, bull or bullocks. Therefore, the seized buffaloes are covered under the Maharashtra Animal Preservation Act. The applicant therefore, failed to prove that the order of learned Trial Court is been rightly passed and does not suffer from any illegality or infirmity. Therefore, there is no need of any interference at the hands of this Court. In the result, I answer point No.1 accordingly, and proceed to pass following order.

ORDER

- 1) Criminal Revision Application No.12 of 2026 is dismissed.
- 2) Inform trial Court accordingly.

(Dictated and pronounced in open Court)

Date: 19/05/2026

(NAZERA S. SHAIKH)
Additional Sessions Judge-2
Jalna.

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original.

Name of Stenographer	: P.S.Tayade
Name of the Court	: Court of Addl. Session Judge-2, Jalna
Date of PDF	: 19.05.2026

Stenographer