

MHJN040005082026

Cri.M.A. No.52/2026  
Shaikh Nasir -V/s- State

**ORDER BELOW EXH.1**  
(Passed on 23.03.2026)

The application is moved Under Section 503 of Bhartiya Nagarik Suraksha Sanhita, for interim custody of seized Tata Motors Limited Company's LPT 2518 TC 6X2 Truck bearing registration No.MH-04-GR-6586, Chassis No.MAT448202FAE05522, Engine No.51D63436763. The applicant Shaikh Nasir Shaikh Najir Kureshi claims to be the owner of seized vehicle. It was seized in Crime No.83/2026 registered with P. S. Ambad, for the offence punishable U/s.11 of Animal Cruelty Prevention Act, Section 119 of Maharashtra Police Act, Section 5, 5(a) 1, 5(A) 2, 5 B, 9, 11 of the Maharashtra Animal Preservation Act, Section 47, 48, 49 (a), 50, 54, 56, 83 of Transport of Animals Rules and Section 125, 117, 83 of Motor Vehicle Act. The applicant prayed to release seized vehicle and to hand over interim custody of the same.

2] I.O. and Learned APP filed say and strongly objected to release seized vehicle on the ground that applicant has violated mandatory provisions of Rules 47, 50, 54, 56 and Rule 96 of the Transport of Animals Rules, 1978. It is further submitted that if interim custody is granted, there exists a reasonable apprehension of repetition of cruelty or slaughter of the animals. Seized vehicle is important piece of evidence. If seized vehicle released, he will sale, transfer or change the nature of seized vehicle. If said property released on bond, then there is absolute possibility of tampering or destroy. Hence, they prayed to reject the application.

3] Intervention application is filed by Shri. Vardhaman Sthanakwasi Jain Shrivak Sangh. It is contended that the applicant failed

to comply with several vehicle rules. There is non-compliance of Rule 47 to 56 and 96 to 98 of the Transport of Animal Rule, while loading the animals into the seized vehicle. Carrying 27 bulls in a single vehicle, prima facie shows violation of different rules and guidelines by higher Courts. Similarly, the intervener filed photographs alongwith geotag of the location. It is further submitted that the vehicle consists of permanent iron structure of horizontal and vertical iron bars, which speaks itself that said vehicle is meant for carrying animals by tying their mouth with ropes to the iron bars. In such situation, the intervener Goshala prayed for rejection of the application.

The intervenor is relied upon different Judgments of the Hon'ble High Court and the Hon'ble Supreme Court

4] Heard both sides. The applicant filed on record, copy of F.I.R., verified copy of R.C., photo copy of insurance policy of seized vehicle, computer generated copy of Tax receipt, verified copy of Adhar Card of applicant. Learned advocate for applicant argued that Goshala has no locus-standi. However, in view of judgment in *State of West Bengal Vs Ashitosh Lahiri and Gorakshanath Adivasi Sevabhavi Sanstha Vs State of Maharashtra ( Cri.W. P No.1026/2020 - Hon'ble Bombay High Court, Bench at Aurangabad)*, The Guru Ganesh Goshala Trust has to be heard in view of provisions of the different animal welfare Act as the animals are presently housed in the Goshala with adequate fodder, water and veterinary care. Hence, intervention application is heard.

5] It is to be noted that though the applicant appears to be owner of the vehicle, it can not be ignored that the vehicle was used for transporting 27 bulls in a single trip. Prima facie, such transportation is wholly inconsistent with the Transport of Animals Rules framed under the Prevention of Cruelty to Animals Act. The Rules prescribe clear norms regarding space, ventilation, ability of animals to stand naturally, and

prohibition against overcrowding. The very fact that such a large number of bulls were transported in one vehicle, gives rise to a strong prima facie inference of overcrowding, distress, and avoidable suffering. Such use of the vehicle prima facie appears to be in violation of the Transport of Animals Rules framed under the Prevention of Cruelty to Animals Act.

6] Considering the number of animal transported, the manner of transportation and permanent structure found inside the vehicle for tying animals result into transportation in a cruel manner and therefore, if the vehicle is released at this stage, there exists reasonable apprehension that it may again be used for similar illegal transportation of animals, thereby resulting in repetition of the offence and defeating the object of the statutory provisions enacted to prevent cruelty to animals. Accordingly, application deserves rejection. Hence, following order:-

**Order**

Application is rejected.

Date : 23.03.2026

J.M.F.C. Court No.1, Ambad

**CERTIFICATE**

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

Name of Steno : S. M. Sapkal  
Name of the Court : Judicial Magistrate,F.C., Ambad  
Date : 23.03.2026

Sd/-  
Signature of Stenographer