

MHJN080004162026



**ORDER ON THE PROPERTY RETURN APPLICATION FILED IN CRIMINAL  
M. A. NO.32/2026**

Applicants have filed present application seeking the release of 03 bullocks and 05 calf on supratnama, which came to be seized in Crime No.116/2026, registered at Ghansawangi Police station.

2. **Applicants contention is as under :-**

Applicants are owners of the seized animals. They have purchased them at Agriculture Market, Ghansawangi. While at transport, those animals were seized. Applicants being the purchaser, they are entitled to get the interim custody of the animals. They are ready to be abide by all the conditions which may be imposed. Thus, prayed to grant interim custody of the animals in their favour.

3. Say of the investigation officer and learned APP called out. Investigation officer and Ld. APP objected the application. They submitted that applicants were found illegally transporting the animals. Applicants have violated transportation rules. Therefore, seized cattle cannot be given into the interim custody of the applicants.

4. In support of the application, applicants have produced following documents on the court record :-

- i] Copies of Aadhar Card of applicants,
- ii] Copy of FIR,
- iii] Copy of purchase receipts,
- iv] 7/12 extracts.

5. Learned advocate for the applicants argued that seized animals were purchased by them. They have not violated any transportation rules. As, they are the purchasers and therefore, they are entitled to get interim custody of those animals. On the other hand, Learned APP for the state submitted that those animals were found at transport by violating the transportation rules. Applicants have committed offence punishable under Prevention of Cruelty to the Animals Act, 1960. Therefore, they are not entitled to get the interim custody of the seized animals. In support of the submission, learned APP relied on the judgment of Hon'ble Bombay High Court Bench at Nagpur from the case of **Akbar Bhura Bhai Sindhi and Ors, Vs. State of Maharashtra, Criminal Writ Petition No.589 of 2024 with Criminal Writ Petition No.590 of 2024, decided on 24.09.2024.**

6. Ghansawangi police station has seized 3 bullocks and 5 calf while at transport in a vehicle bearing No.MH-21-BH-6344. Applicants claims that they have purchased those animals from agricultural market. In support of the submission filed on the Court record animals purchase receipts. Perused those receipts. Those receipts are having heading "कृषि उत्पन्न बाजार समिती, घनसावंगी". Those receipts are having the seal of the said agricultural market of Ghansawangi. Learned APP for the state orally pointed out that there is no any animal sell and purchase done at Ghansawngi Agricultural market. Learned advocate for the applicants admitted the said fact. That means, even though those receipts appears to be issued by agricultural market Ghansawangi, but in reality those are not been issued by said market. The documents produced i.e. the receipts failed to prove purchase of those cattle by the applicants. Furthermore, the first information report and the say filed by the investigation officer shows that 8 cattle were transported in a tiny one vehicle, which did not have sufficient

space for carrying those cattle. Applicants failed to produce the certificate from Veterinary Doctor in order to show that prior to transport those cattle were in a good condition for transport. Furthermore, the applicants have not produced any document in order to show that they have taken special license from the regional transport office for carrying the animals. It appears that the seized animals were found to be transported by violating the relevant provisions.

7. Considering the above discussion, it appears that applicants failed to produce the valid document in order to show that they are the purchaser of seized cattle. From the first information report and from the say of investigation officer, it appears that those cattle were at transport without having requisite documents as required by the rules. The Hon'ble Bombay High Court Bench at Nagpur in the case of **Akbar Bhura Bhai Sindi and Ors, Vs. State of Maharashtra, Criminal Writ Petition No.589 of 2024 with criminal writ petition No.590 of 2024, decided on 24.09.2024** has held that the Animals which were at transport by violating the rules cannot be given into the interim custody of those persons who violated the rules. Relying upon the said judgment, I come to the conclusion that applicants are not entitled to get the interim custody of the seized Animals as prayed. At present, those cattle are at Jaybhadra Gaushala, Macchindranath Chincholi, Tq.Ghansawangi. Interim custody of those animals is allowed to be continued at the said Gaushala. In result, I pass the following order.

### **ORDER**

The application is rejected.

Date :- 20/03/2026

(Chetan Jagtap)  
Judicial Magistrate First Class,  
Ghansawangi.