

MHLA140013592026



Received on : 20/05/2026

Registered on : 20/05/2026

Decided on : 22/06/2026

Duration : 00Y, 01 M, 02 D

**IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION,
AUSA, DIST. LATUR**

(Presided over by Shri Awate P.P.,)

Cri.M.A.No.91/2026

Exh.01

Sagar S/o Kabir Gaikwad,

Age – 29 years, Occ. – Agri and Business,

R/o. Nagnath road, Dharashiv,

Tq. & Dist. Dharashiv.

...Applicant

Versus

The State of Maharashtra,

Through P.I. of Police Station,

Ausa, Latur.

..Respondent

**Claim : Application under section 503 of B.N.S.S. Act,
2023 for release of bullock cattle.**

Shri. M.F. Shaikh - Learned Advocate for the Applicant.

Shri. A.N. Nilekar - Learned Asst. Public Prosecutor for Respondent

AND

MHLA140013872026



Received on : 26/05/2026

Registered on : 28/05/2026

Decided on : 22/06/2026

Duration :00Y, 01 M, 06 D

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
AUSA, DIST. LATUR.**

(Presided over by Shri Awate P.P.,)

Cri.M.A.No.93/2026

Exh.01

Shri Shivraj Bahuudeshiy Sevabhavi Sanstha,

Anand Nagri Gaushala

Having Address at – Lodga

Tq. Ausa, Dist. Latur

Through its authorized representative-

Mr. Manoj Mallikarjun Majalgave

Age – 45 years, Occ. – Agri.,

...Applicant

Versus

The State of Maharashtra,

Through P.I. of Police Station,

Ausa, Latur.

..Respondents

**Claim : Application under section 503 of B.N.S.S. Act,
2023 for release of bullock cattle.**

Shri. D.M. Autade - Learned Advocate for the Applicant.

Shri. A.N. Nilekar - Learned Asst. Public Prosecutor for Respondent

COMMON ORDER

(Delivered on this 22th day of June, 2026)

The instant Cri.M.A.No.91/2026 is filed by Sagar S/o Kabir Gaikwad (hereinafter referred to as “Applicant No.1”) seeking interim custody of Ashok Leyland Truck bearing Reg. No. MH-18-AA-9924, Chasis No. MB1A3DYC2EPBJ9986, Engine No.EBPZ104978 and the Cri.M.A.No.93/2026 is filed by Manoj Mallikarjun Majalgave on behalf of Shivraj Bahuudeshiy Sevabhavi Sanstha Anand Nagri Gaushala (hereinafter referred to as “Applicant No.2”) seeking interim custody of 11 bulls and 04 cows in connection with C.R. No.208/2026 registered at Ausa police station, Ausa, Dist. Latur.

2] Both the miscellaneous applications vis; Cri.M.A.No.91/2026 and Cri.M.A.No.93/2026 are filed by respective applicants for return of interim custody of properties involved in the abovesaid offence such as Ashok Leyland Truck as well as 11 bulls and 04 cows arose from Crime No. 208/2026 registered at Ausa Police Station, Ausa- Latur.

3] Perused both the applications and called say of I.O. and prosecution below both the applications. The say cum reply of learned A.P.P. and I.O. is filed on record. The applicant no.1 has initially filed the instant application and thereafter the applicant no.2 Shri Shivraj Bahuuddeshiya Sevabhavi Sanstha's Anandnagari, Gaushala, Lodga has filed the another miscellaneous application. Therefore, in order to avoid repetition, it is necessary to dispose of altogether. Hence, the sufficient opportunity of hearing has been granted to advocate for applicants and Ld. A.P.P. at length.

4] The informant has lodged report to police station regarding cruelty to the animal i.e. 11 bulls 04 cows on 09/05/2026. Accordingly, crime No. 208/2026 is registered at AUSA police station. Thereafter, those instant applications have been arose out of the said crime No. 208/2026 for the offences punishable under section 11(1) (a), 11(1)(g) of the Prevention of Cruelty to Animals Act, 1960, (hereinafter referred as P.C.A. Act) and sections 5, 5(c), 5(d) and section 9 of the Maharashtra Animal Preservation Act, 1976, (hereinafter referred as M.A.P. Act) alongwith Section 66(1), 192 of Motor Vehicle Act (hereinafter referred as M.V. Act).

5] Before touching to the merit of the applications, it is rather desirable to put certain facts on the record, in order to dispose all these applications finally.

6] The informant has lodged report on 09/05/2026, at about 14:00 p.m. to police station AUSA and mentioned that, 11 bulls and 04 cows were placed in the Ashok Leyland Truck bearing No. MH-18-AA-9924, Chasis No. MB1A3DYC2EPBJ9986 without provision of safety for the purpose of slaughtering. The P.I. of AUSA police station taken cognizance and initially handed over those 11 bulls and 04 cows to the Gaushala at Lodga. It is alleged that all the bulls and cows were kept without proper arrangement of safety and slaughtering purpose, cruelly tied, without due care, which is contrary to the provisions of section 11(1)(a), 11(1)(g) of P.C.A. Act, and sections 5, 5(c), 5(d) and section 9 of M.A.P. Act alongwith Section 66(1), 192 of M.V. Act.

7] Thereafter, applicant No.1 Sagar S/o Kabir Gaikwad, claims to be owner of abovesaid vehicle and contended that he has purchased Ashok Leyland Truck bearing Reg. No. MH-18-AA-9924, Chasis No. MB1A3DYC2EPBJ9986 and Engine No.EBPZ104978 for rental use. He is using the abovesaid vehicle for his bread and butter. Similarly, applicant no.1 submitted that, he is ready to comply with circular issued by Animal Welfare Board of India, dated 02.07.2019 and ready to pay the care and maintenance charge of animals. Therefore, he has prayed to grant interim custody of abovesaid vehicle.

8] Similarly, the applicant No.2 Manoj Mallikarjun Majalgave, claims through Shri Shivraj Bahuudeshiy Sevabhavi Sansthas, Anand Nagri Gaushala having address at Lodga, Tal. Ausa that interim custody of the abovesaid 11 Bulls and 04 Cows be handed over to the applicant no.2 during pendency of litigation under Rule 3 (b) of P.C.A. Act, 2017 as well as M.A.P. Act, 1976.

9] The advocate Shri Shaikh M.F. appeared for the applicant no.1 and vehemently argued that, applicant is genuine owner of the abovesaid vehicle and purchased said vehicle for rental purpose for his bread and butter. He further submitted that, initially the F.I.R. is lodged against unknown persons. The informant is police official who has intentionally exaggerated the situation and leveled false acquisition against the owner of the abovesaid vehicle, which is totally vague and illegal. The applicant no.1 is not directly involved in the abovesaid offence. Moreover, he vehemently argued that, applicant no.1 is ready to comply with circular issued by Animal

Welfare Board of India, dated 02.07.2019 as well as ready to pay the care and maintenance charge of animals. The applicant is ready to deposit per day maintenance amount towards those bulls and cows. Therefore, he prayed to grant interim custody of those bulls to the applicants respectively.

10] *Per contra*, Ld. A.P.P. for the State appeared and filed their say cum reply below every application itself. She had vehemently submitted that, the applicant no.1 is not farmer and he has not paid animal maintenance charges till date. Therefore, for the purpose of security the abovesaid vehicle be retained and not to be handed over into the custody of applicant. Similarly, I.O. submitted in consonance with prosecution in his say filed on record. The prosecution jointly prayed to reject the the application as it is devoid of any merit.

11] Similarly, the applicant no.2 Shri Shivraj Bahuuddeshiya Sevabhavi Sanstha's Anandnagari, Gaushala, Lodga has appeared into the proceedings. The applicant no.2 Gaushala filed application and contended that, it is a registered charitable trust engaged in cattle welfare, recognized under law to maintain seized animals. It contends that, as per Rule 3, 4, and 5 of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and Section 8 of the M.A.P. Act, 1976, custody of such animals should remain with an animal welfare institution pending trial, and that accused / owners must bear the maintenance costs as prescribed (₹200/- per day per animal). In order to substantiate their

contentions the Gaushala has relied upon various rules and authorities as follows :-

1. *Maharashtra Animal Preservation Act, 1976 (as amended up to 04.03.2015), Section 5, 5A, 5B, 5C, 6, 8(3) (b) Proviso 9 & 11*
2. *Prevention of Cruelty to Animals Act, 1960 Sec. 2(a)(f), 3, 11, 11(2) 35 (2),(3) & (4).*
3. *Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, Rule-3,4,5 & 8*
4. *Transport of Animals Rules, 1978, 47, 48, 49, 50, 56(c)*
5. *Transport of Animals (Amendment) Rules, 2001, 96 & 97 (2)*
6. *Rules 125E of Central Motor Vehicle Rules, 1989, Rule 125E*
7. *Prevention of Cruelty to Animals (Regulations of Livestock Market) Rules, 2017. Alongwith order dated 11/08/2017 passed by Hon'ble Supreme Court in Writ Petition (C) No. 419/2017, Sabu Steephen Vs. Union of India & Anr.), Rule- 3,4,5,6,12,14 and 22 (Five sub-rules of Rule 22 are stayed by Supreme Court)*
8. *Shri Chatrapati Shivaji Gaushala Vs. State of Maharashtra and others, Hon'ble Supreme Court order Dt. 30/10/2022 passed in Criminal Appeal No. 1719/2022 in SLP (Crl.) No. 412/2020, Para No. 20 and 21(on Animal Custody).*
9. *Meher Banu Begum Vs. the State of Assam & Anr. Hon'ble Supreme Court order dated 26/09/2022 passed in Miscellaneous Application No. 1620/2022 in SLP (Crl) No. 9997/2021, Para No. 4 and 5 (on Animal Custody)*
10. *Jagatguru Sant Tukaram Goshala Vs. State of Maharashtra & Anr. Hon'ble Supreme Court order dated 25/01/2022 passed in Criminal Appeal No. 132/2022 in SLP (Crl.) No.9894/2017, Para No. 6 (On Animal Custody).*
11. *State of U.P. Vs. Mustaeem & ors. Hon'ble Supreme Court order dated 22/02/2022 passed in Criminal Appeal No. 283-287/2002, Para No.1 (On Animal Custody)*

12. *Raguramsharma & Anr. Vs. C. Thulsi & Anr, Hon'ble Supreme Court order dated 05/02/2020 passed in Criminal Appeal No. 230/2020, Para No.12 & 13 (On Animal Custody)*
13. *Animal Welfare Board of India Vs. A. Nagaraja & Ors. Hon'ble Supreme Court decided on 07/05/2014 passed in Civil Appeal No.5387/2014, Para No.26, 27, 54, 57, 58 & 62 (Parents patriae & Right to Life)*
14. *Krushni Goseva Sangh Vs. State of Maharashtra. Hon'ble Supreme Court order dated 23/09/1987 passed in Criminal Writ Petition No. 373/1987, Para No.5 (On Animal Custody)*
15. *Bal Gangadhar Tripathi Vs. State of U.P. Hon'ble Allahabad High Court order dated 19/01/1996 passed in Criminal Misc. Case No. 25/1996, Para No.4 (Locus Standi)*
16. *Sardar Khan & Anr Vs. State of Bihar & Anr. Hon'ble Patna High Court order dated 24/12/2013 passed in Criminal Misc. No.47517/2013, Para No.17 (Locus Standi)*
17. *Gorakshanarth Aadiwasi Sevabhavi Sanstha's Vs. The State of Maharashtra And Anr. Hon'ble Bombay High court at Aurangabad Bench order dated 02/12/2020 passed in Cri.W.P. No. 1026/2020, para No. 4, 12, 13, 14 and 15 (Locus Standi).*
18. *Jayvant Vrundavan Gopalan Gosanvardhan Sanstha's Vs. State of Maharashtra and Ors. Hon'ble Bombay High Court by order dated 15/09/2023 in Criminal Writ Petition No. 3037/2023, para No.5 & 8 (Locus standi).*
19. *Goushala Pashupalan Bahuuddeshiya Sanstha's Vs. State of Maharashtra & Ors. Hon'ble Bombay High Court order dated 17/07/2018 passed in Cri.Writ Petition No. 338/2018, Para No. 8, 9 & 10 (on Animal Custody)*
20. *Altaf Babru Shaikh Vs. The State of Maharashtra & Anr. Hon'ble High Court of Bombay by order dated 08/09/2022 passed in Cri.Writ Petition No. 2466/2022, Para No. 8 (on vehicle)*
21. *Tahir A Matin Sheikh Vs. The State of Maharashtra & Anr Hon'ble High Court of Bombay by order dated 03/01/2023 passed in*

Cri.Writ Petition No. 685/2022, Para No. 11 & 12 (on vehicle)

22. *Roshan Omkar Tarare Vs. State of Maharashtra & Anr. Bombay High Court, Nagpur Bench, Order dated 10/2/2023 in Writ Petition No. 02/2022, Para No. 12, 13 & 18 (On vehicle).*
23. *Abdul Majeed s/o Abdul Nabi Vs. State of Maharashtra. Hon'ble High Court of Bombay (Aurangabad Bench) by order dated 06/02/2025 in Criminal Writ Petition No. 1145 of 2024, Para No. 23 and 28 (on vehicle)*
24. *Anis Ahmed Bashir Qureshi Vs. State of Maharashtra, Hon'ble High Court of Bombay (Nagpur Bench) by order dated 23/02/2023 in Criminal Writ Petition No. 741/2022. Para No. 16, 17 (On Animal custody)*
25. *Ansar Ahmad and others Vs. State of Maharashtra, Thru P.S.O. & Another, Hon'ble High Court of Bombay (Nagpur Bench) by Order dated 06/06/2023 in Criminal Writ Petition No. 708 of 2002, Para No. 15, 17, 18, 20 & 23 (On Animal Custody)*
26. *Mohammad Rajik Vs. State of Maharashtra and Another, Hon'ble High Court of Bombay (Nagpur Bench) by order dated 10/03/2022 in Criminal Writ Petition No. 886/2021, Para No. 6 & 7 (on Animal Custody)*
27. *Akbar Bhura Bhai Sindhi Vs. State of Maharashtra, Thru. P.S.O. and Another, Hon'ble High Court of Bombay (Nagpur Bench) by order dated 24/09/2024 in Criminal Writ Petition No. 589/2024, Para No. 511, 17 & 18 (Guidelines/Directions for IO & Magistrate).*
28. *Yas Mohammad Vs. State of U.P. and Ors. Hon'ble High Court of Allahabad dated 02/09/2021 in Application u/s. 482 No. 12300 of 2021, Para No.17 & 18 (When special law is in place then BNSS/CrPC becomes general law)*
29. *Dhyan Foundation Vs. State of Orissa and Ors. CRIMC No.5310 of 2023. High Court of Orissa at Cuttack, Order dated 16/04/2024.*
30. *Dhyan Foundation Garada Gaushala Vs. State of Mah and Anr. Cri. W.P. No.1030 of 2024, High Court of Bombay, Nagpur Bench, Order dtd. 20/12/2024.*
31. *Dhyan Foundation Garada Gaushala Vs. State of Mah and Anr. Cri. W.P. No.1031 of 2024, High Court of Bombay, Nagpur Bench, Order dtd. 20/12/2024.*

In order to argue the application, the applicant no.2 and their advocate have been called repeatedly. Nonetheless, neither applicant nor advocate is appeared to argue the matter. Needless to mention that, it is very much surprising that, no one is appearing on behalf of Gaushala before court on giving sufficient opportunities. It appears that, Gaushala is interested to file applications or intervention but not interested to argue their claim before court.

12] In view of rival contentions on record, I have meticulously gone through the aforesaid rules and judicial precedents. The sum and substance of abovesaid rule is that, the interim custody of seized cattles shall be handed over to the nearest Gaushala as per provisions of Section 8(3) of M.P.A. Act.

13] The record shows that, 11 bulls and 04 cows were placed in the Ashok Leyland Truck without provision of safety for the purpose of slaughtering. The police has taken cognizance and initially handed over those 11 bulls and 04 cows to the Gaushala at Lodga (applicant no.2). The all bulls and cows were kept without proper arrangement of safety and slaughtering purpose, cruelly tied, without due care, which is contrary to the provisions. They were tied without any attention at the hands of alleged owners. Similarly, on perusal of available record it appears that, no ear tagging as well as any ear mark was visible to such animals. It is pertinent to note that, the Gaushala has not been filed any veterinary certificate or authorization from the competent authority regarding the abovesaid animals.

14] Similarly, on considering Section 8(b) of the Maharashtra Animal Preservation Act, 1976 and Rules 3, 4, and 5 of the PCA Rules, 2017, custody of the 11 bulls and 04 cows ought to remain with the Gaushala till the conclusion of the trial. Maintenance costs shall be borne at the rate of ₹200/- per animal per day by the concerned applicant/owner. Therefore, in view of above discussion following order is passed in the interest of justice;

ORDER

1)	The application bearing Cri. M. A. No. 91/2026 is partly allowed.
2)	The application bearing Cri. M. A. No. 93/2026 is partly allowed.
3)	The interim custody of vehicle, Ashok Leyland Truck bearing Reg. No. MH-18-AA-9924, Chasis No. MB1A3DYC2EPBJ9986, Engine No.EBPZ104978 be given to the applicant no.1 on executing indemnity bond of Rs. 25,00,000/- (Rs. Twenty Five Lakhs Only) on bond paper of Rs. 200/- (Rs. Two Hundred Only).
4)	The Investigating Officer is further hereby directed to make detail panchanama and snap one photograph of the above-said vehicle Ashok Leyland Truck and then hand-over it's custody to the applicant no.1.
5)	The applicant no.1 shall not change the structure and body of the above-said vehicle Ashok Leyland Truck, till conclusion trial.
6)	The applicant no.1 is also directed not to dispose of, sell, transfer the above-said vehicle Ashok Leyland Truck in any manner till conclusion of the trial.

7)	The applicant no.1 is also directed to produce the above-said vehicle Ashok Leyland Truck as and when required by the I.O. during the investigation and trial.
8)	The interim custody of 11 bulls and 04 cows shall remain with the applicant no.2 Gaushala, until conclusion of trial.
9)	The applicant no.1 is directed to pay animal maintenance charges of ₹200/- per cattle / per day; to the Gaushala and shall execute bond as per Rule 5 of the 2017 Rules.
10)	The applicant no.2 is also directed not to dispose of, sell, transfer the abovesaid 11 bulls and 04 cows in any manner till conclusion of the trial, as being piece of evidence.
11)	The applicant no.2 is also directed to produce the abovesaid 11 bulls and 04 cows as and when required by the I.O. during the investigation and trial.
12)	The applicant no.2 is also directed to produce the medical examination report of Veterinary Officer / Doctor of 11 bulls and 04 cows every month to the I.O., from the receipt of this order.
13)	Copy of this order be kept with police papers in the Court.
14)	Issue intimation to the Investigating Officer.

(Dictated and pronounced in open court.)

Date : 22/06/2026

Place : Ausa.

Judicial Magistrate First Class, Ausa.