


CNRNO. MHLA150001802026 	<u>Order below exh.01.</u>
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This application is filed u/sec. 503 of B.N.S.S. for releasing seized vehicle Mahindra and Mahindra company's Bolero Pickup bearing registration No. MH04-HS-0285 having Engin No.TBG1H91518 and chasis no.MA1ZU2TBKG1H59827.

2. It is submitted by applicant that, he is registered owner of seized Mahindra and Mahindra company's Bolero Pickup bearing registration no. No. MH04-HS-0285. Said vehicle is seized by police station, Chakur, in registered crime no. 68/2026 under Section 11(1) (d) of Prevention of Cruelty to Animals Act, 1960 and 5-b, 9 of Maharashtra Animal Preservation Act, 1976 (as amended up to 04.03.2015) and Section 179(1). It is submitted by applicant that, he requires said vehicle for the purpose of his business and transport of goods. He depend upon seized vehicle for his day needs. He has filed all the document of vehicle. He is ready to abide all terms and conditions of court. Lastly he has prayed for releasing said vehicle as per sec. 503 of B.N.S.S.

3. In this matter the objection has been filed by Janki Gaushala Trust. According to it, gaushala is a registered trust / social organization, which is engaged in looking after the welfare of the animals. Two bulls are seized from accused. The said bulls were factually tied up with small rope in the Vehicle bearing No. MH04-HS-

0285. The said bulls were tied up with small rope in the said vehicle. The bulls were dumped in the vehicle and going to transport without any arrangements of food, water and medical aid, without any certificate/license and permits for the purpose of illegal slaughtering. The said bulls were tied up with small rope in such a way that they couldn't be able make natural move and as they were exhausted and suffocated inside the vehicle

4. That when the Police asked them to show the vehicle and transportation of animal related papers, they were not able to produce those because they were not obeying the law of the land related to the transportation of animals certificate which contains fit for transportation certificate RTO certificate to use the vehicle for the purpose of transportation of animals. Even they were not having any document such as the purchase or sales related or any document proving their ownership of the cattle.

5. After seizure 2 bulls were handed over to our gaushala for preservation and care. Since then. gaushala is taking good care of these animals till today. The gaushala state that as per Rule 5 (1) of the Prevention of Cruelty to Animals (Care and Maintenance of Case Proper/ Animal) Rules, 2017, the vehicle owner has to deposit past, present and future cost in this Hon'ble court before release of the vehicle. Objection petitioner has filed pursis stating that, he is claiming maintenance costs from the applicant till the date of order and remaining will be claimed from accused and separate application will file for it.

6. Applicant has filed his say on the objection petition and stated that, applicant is owner of seized vehicle. Applicant is not accused in the present case. Therefore, he prayed to reject the prayer of objection petitioner.

7. That the Applicant has filed an application seeking release of the said vehicle bearing no. MH04-HS-0285 in their favor claiming himself to be an alleged vehicle owner.

8. Investigation officer has filed say at exh.6. According to him said property is seized in crime no. 68/2026. Two bulls were handed over to the Gaushala. He has no objection to hand over the custody of seized vehicle subject to verification of document relating to ownership. Ld. A.P.P. has filed say. According to her the seized vehicle is required at the time of trial and it is part of evidence. Lastly she has prayed for rejection of the application.

9. Heard learned advocate for applicant and Ld. A.P.P. Points for determination alongwith my finding and reasoning thereon as under.

	POINTS	FINDINGS
1.	Whether applicant is entitled for claiming interim custody of seized vehicle ?	.. Affirmative.
2.	Whether objection petitioner is entitled for costs of maintenance of seized 2 bulls as per Rule 2017 ?	.. Affirmative.
3.	What order ?	.. Application is allowed.

- **REASONS** -

Points no. 1 to 3 :

10. It is submitted by applicant that, he is the registered owner of seized vehicle. He is ready to abide all the terms and conditions of this court. It is submitted by applicant that he has filed all the relevant documents of the seized vehicle.

11. In support of application, applicant has filed following documents.

1. First informant report
2. True copy of Aadhar Card.
3. True copy of R.C. Book.
4. True copy of P.U.C certificate.
5. Copy of insurance.

12. Perused record of the case. Remand paper shows that, said vehicle has been seized by police station, Chakur in registered crime no. 68/20266. It appears from record that, applicant is registered owner of seized vehicle. No other person has claimed custody of seized vehicle. No purpose would be served to keep seized vehicle in police station. Applicant submits that, he is the owner of vehicle and not accused in the present matter. On perusal of say of I.O., it appears that the 2 animal i.e. 2 bulls are seized from the vehicle of applicant, due to which the vehicle is seized. Under The Prevention of Cruelty to Animals (Care and Maintenance of case property Animals) Rules 2017, rule 5(5) specify that in case of offence related to transport of animal, the vehicle owner shall be jointly and severally liable for the costs of transport, treatment and care of animals. Further Hon'ble Bombay High Court in the judgment of **Altaf**

Babru Shaikh Vs.. State of Maharashtra, 2022, SSC, online, Bom, 10333, held that the learned Sessions Judge has rightly observed that, petitioner being owner of Truck is jointly and severally liable for costs of transport, treatment and care of animal. The costs of maintenance of animal is fixed in the notification of Maharashtra Animal Welfare Board notification dated 02/07/2019 and Animal Welfare Board of India Notification dated 03/05/2018. Under this two notifications Rs. 200/- per animal minimum costs of maintenance rate is fixed.

13. Applicant being owner of seized vehicle wherein 2 bulls are prima facie transported by accused in view of contradiction of Maharashtra Animal Preservation Act, 1976 (as amended up to 04.03.2015) and Section 179(1). Further on perusal of say of I.O., there is no material to show that, air tag are attached on two bulls as GR dated 27/02/2024 issued by Government of Maharashtra for Mandatory Ear – Tagging. For the purpose of safe custody of vehicle it is necessary to handover interim custody of seized vehicle to applicant, subject to costs of maintenance of Rs.200/- per bull per day from date of custody to Gaushala till date of order. So, I answer point no.1 and 2 in the affirmative and in answer to point no.3 I pass the following order.

: Order :

1. Application is allowed.
2. Interim custody of seized vehicle Mahindra and Mahindra company's Bolero Pickup bearing registration no. No. MH04-HS-0285 having Engin No.TBG1H91518

and chasis no.MA1ZU2TBKG1H59827, be handed over to applicant till the conclusion of trial on executing of indemnity bond of Rs. 4,50,000/- (Four Lakhs Fifty Thousand Rs. only) subject to maintenance costs of Rs.200/- per bull, per day.

3. Applicant to undertake that he shall not sell, alienate or transfer said property without prior permission of the court.
4. Applicant shall produce seized vehicle as and when directed by this court.
5. Applicant shall maintain and preserve said seized property in all respect.
6. Applicant shall not use said seized property in any other crime.
7. Applicant shall deposit the maintenance amount towards two bull Rs. 200/- per bull for per day since delivery of animals to the objection petitioner to till this order. Applicant shall furnish the receipt issued by objection petitioner before this court.
8. Investigation officer is directed to snap photocopies of said property and be attached it with final report.

(V. S. Waghmode)
Judicial Magistrate F.C.
Chakur.

Date :07/04/2026