

MHNG100000902026



ORDER BELOW EXH.1 IN CRI.MISC.APPLN.NO.12/2024.
(Order dated 20th March,2026)

By the instant application the applicant/accused No.1 namely Manik Narsayya Sanjiv through power of attorney Parag Suresh Dange claimed custody of the VE Commercial Vehicles Ltd Company Eicher Pro 2114XP bearing registration No. MH-35-AJ-2016, chasis No.MC2ESHRCOMA184461, engine No. E426CDLM335465 seized by Bela police station in C.R.No.521/2025 for the offence punishable u/s. 5 of Maharashtra Animal Protection Act, Sec. 11(1), 11(1)g, 11(1)h, 11(1)f, 11(1)e, 11(1)d, and 11(1)c The Prevention of cruelty to animals Act, section 181, 3, 192A, 66(1) Motor vehicles Act, Sec.119 The Maharashtra Police Act, Sec.3(5) of the Indian Penal Code. Prayed to grant application.

2] Heard learned advocate for applicant, Ld advocate for Goshala and APP at length.

3] Ld. APP filed his say on Exh.1 and submitted to reject the application. I.O. has filed say and submitted that if, the vehicle released & handed over to the applicant then, he will not able to bring same before the court and he may

again use this vehicle to transport the animals by cruel manner. Hence, he prayed to reject the application.

4] As per order dated (Exh.6) intervener/ Audumber Gaurakshan Charitable Trust Ruikhari, Chandrapur Road, Buttibori Nagpur having its (Registration No. E-0001060 yvt) through its president Shri. Ramdas Sharadchandra Jatale, added as party and he filed say at (Ex.6A). (Hereinafter referred as goshala). In say at (Ex.6A) contended that the applicant is seeking release of vehicle which is seized in Crime No.521/2025 by P. S. Bela on dated 23/12/2025, while illegally transporting the 29 cattle in said vehicle. Presently said cattle are in his Goshala Santha. The applicant being possessor/ owner/ transporter/ consignor of Vehicle to follow the legal provision and rules. But the said cattle were found in overloaded and dumped dump in the said vehicle. Hence, prayed to reject the application. It is contended that as per section 2(F) deals with meaning of owner. It is used with reference to an animal, included not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner. It is further prayed that if, this Court decides to release the Vehicle on Supurtnanma, then in that event, the applicant/owner of vehicle being joint and severally liabel along with accused person be directed to pay the cost towards transport maintenance, treatment and care of seized 29 cattle to Gaushala Santha before release of

Vehicle, till the period cattle are in custody of Gausshala Santha as per the rate (i.e. 200 per day per cattle). Goshala further prayed to direct that the said vehicle be held as security till the final disposal of the case as per the provision of Rule 5(4) of the said Rule,2017. So also prayed to execute the bond as per rule 5(1) of the Prevention of Cruelty to Animal Act (Care & Maintenance case property Animals) Rule, 2017.

5] Learned advocate for applicant submitted that applicant has taken the vehicle on rent. Hence, submitted that the owner of the cattle to be held responsible for maintenance and other expenses as comprised by the intervenor. Hence, prayed to grant the application. Owner of the vehicle filed affidavit at (Exh.11) and he having no objection to hand over the vehicle on supurtnama to his power of attorney namely Parag Suresh Dange.

6] Ld. Advocate for the intervener submitted and reiterated the contents of the say filed at (Exh.6A). He relied on following authorities.

- (1)Shri Chatrapati Shivaji Maharaj Gaushala Vs. State of Maharashtra & Others Hon'ble Supreme Court order Dt. 30.10.2022 passed in Criminal Appeal no.1719/2022 in SLP [Crl.] No.412/2020.
- (2)Meher Banu Begum Vs. St. of Assam & Anr. Hon'ble Supreme Court order dt. 26.09.2022 passed in Miscellaneous Application No.

1620/2022 in SLP (Crl) No. 9997/2021

(3)Jagatguru Sant Tukaram Goshala Vs State of Maharashtra & Anr. Hon'ble Supreme Court order dt. 25.01.2022 passed in Criminal Appeal no.132/2022 in SLP [Crl.] No.9894/2017

(4) State of U.P Vs. Mustakeem & Ors. Hon'ble Supreme Court order dt. 22.02.2002 passed in Criminal Appeal No.283-287/2002.

(5)Raguramsharma & Anr. Vs. C. Thulsi & Anr. Hon'ble Supreme Court order dt. 05.02.2020 passed in Criminal Appeal No.230 of 2020.

(6)Animal Welfare Board of India V/s A. Nagaraja & Ors. Hon'ble Supreme Court decided on 7.5.2014 in Civil Appeal No.5387 of 2014.

(7)Krushni Goseva Sangh Vs. St of Maharashtra, Hon'ble Bombay High Court order dated 23.09.1987 passed in Criminal Writ Petition No.373/1987.

(8)Goushala Pashupalan Bahu-uddeshiya Sanstha Vs.State of Maharashtra & Ors. Hon'ble Bombay High Court order dated 07.17.2018 passed in Cri. Writ Petition No. 338 of 2018.

(9)Shaikh Sadam S/o Shaikh Samad Vs State of Maharashtra & Anr. Hon'ble Bombay High Court (Aurangabad Bench) order dated 10.05.2024 passed in Cri. Writ Petition No. 1775 of 2023.

(10)Bal Gangadhar Tripathi Vs. State of U.P. Hon'ble Allahabad High Court order Dt.

19.01.96 passed in Criminal Misc. Case No.25/96.

(11) Sardar Khan & Anr Vs State of Bihar & Anr. Hon'ble Patna High Court order Dt. 24.12.2013 passed in Cr. Misc. No.47517 of 2013.

(12) Gorakshanarth Aadiwasi Sevabhavi Sanstha Vs. The State of Maharashtra & Anr. Hon'ble Bombay High Court, Aurangabad Bench order dt. 02.12.20 passed in Cr. WP1026/20

(13) Jayvant Vrundavan Gopalan Gosanvardhan Sanstha Vs State of Maha. & Ors. Hon'ble Bombay High Court by order dt. 15.09.2023 in Cr. W. P. No. 3037/23.

(14) Altaf Babru Shaikh Vs. State of Maha. & Anr. Hon'ble Bombay High Court's Order dt. 08/09/22 in Criminal Writ Petition no.2466/22.

(15) Tahir Matin Sheikh Vs. State of Maha. & Anr. Hon'ble High Court of Bombay by Order dated 03/1/23 in Criminal Writ Petition No.685 of 22.

(16) Roshan Omkar Tarare Vs. State Maharashtra & Anr. of Bombay High Court, Nagpur Bench, Order dated 10/02/2023 in Writ Petition No. 02/2022.

(17) 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.

(18) Yas Mohammad Vs. State of U.P. and Ors.

Hon'ble High Court of Allahabad dated 102/09/2021 in Application u/s. 482 No.12300/21.

(19)Anis Ahmed Bashir Qureshi Vs. State of Maha & Ors. Hon'ble High Court of Bombay (Nagpur Bench) by Order dated 23/02/2023 in Criminal Writ Petition No. 741 of 2022

(20)Ansar Ahmad and Others Vs State Maha. & Anr. Hon'ble Bombay High Court (Nagpur Bench) by order dt. 06/6/23 in Cr. W. P. No. 708 of 2022

(21)Akbar Bhura Bhai Sindhi Vs. State Maha. & Anr. Hon'ble High Court of Bombay (Nagpur Bench) by Order dated 24/09/2024 in Criminal Writ Petition No. 589 of 2024

(22)Abdul Samad S/o Abdul Karim Vs. State of Maha. & Anr. Hon'ble Bombay High Court (Nagpur Bench) by Order dt. 24/09/24 in Cr. W. P. No. 400 of 2024.

(23)Maharashtra Animal Welfare Board Notification dated 02/07/2019.

(24)Animal Welfare Board of India Notification dated 03/05/2018.

(25)G.R. dated 27/02/2024 issued by Govt. of Maharashtra for Mandatory Ear-Tagging.

(26)Standing Operating Procedure (S.O.P) dated 27/09/2023 issued by Director General of Police, Maharashtra.

(27)Mohammad Iqbal s/o Md. Sarwar Vs. The

State of Maharashtra thr. its PSO PS Arni, Dist. Yavatmal and another. Hon'ble Bombay High Court (Nagpur Bench) by Order dt.16.02.2024 in Cr. W. P. No. 203 of 2023. I carefully gone through these authorities.

7] He further relied on the authority of **Hon'ble Bombay High Court, Nagpur Bench, in Altaf Shaikh Vs. State, Criminal Writ Petition No.685/2023.** I carefully gone through this authority. Hon'ble Court held that held that,

“The owner of the Vehicle is jointly and severally liable for the cost of transport, treatment and care of animals and owner of vehicle cannot be absolved of his responsibility to pay the maintenance charges in accordance with the rules”.

8] He further relied on the authority of **Hon'ble Bombay High Court Bench at Nagpur in Tahir Shaikh Vs. State, Criminal Writ Petition No.685/2023.** I carefully gone through this authority. Hon'ble Court observed that,

“release the vehicle Subject to appropriate conditions consistent with the rules and the law, however, directed the vehicle owner to pay for maintenance charges of seized cattle, before of Vehicle”.

After going through these authorities of the Hon'ble Court, it appears that facts contended in these authorities in some

situation found to be identical with the case in hand. From the say of I.O. it appears that said vehicle is in custody of Bela police station, Umred. As per the record it appears that present applicant is the accused No.1 in the present crime. Though the applicant has stated that he is not owner of the vehicle and he had taken that vehicle on the rent. In virtue of this contention, I carefully gone through the notification dated 23/05/2017. Wherein Rule (5) 5 contemplated that in case of offence relating to transport of animals, **the** vehicle owner, consignor, consignee, transporter, agents are severally libel for the cost of transport, treatment and care of animals.

9] Therefore, it is crystal cleared that the present applicant being transporter of the vehicle is jointly and severally liable to for the cost of transport, treatment and care of animals. As per the contents of F.I.R it *prima-facie* appears that the applicant and accused have violated the law as particularly comprised in the F.I.R.. In view of the said vehicle and authorities of Hon'ble Court referred supra by the intervenor, owner of the vehicle is jointly and severally along with accused person is liable to pay the maintenance charges of said cattle, till the period cattle are in the Custody of Intervenor Goshala Santha. As per the Notification dated 02/07/2019 issued by Maharashtra Animal welfare Board rates of maintenance (i.e Rs.200/- per day per cattle. The police handed over the custody of said 29 cattle to intervenor Santha and presently said cattle

are in custody of said Santha. Therefore, as per the notification rate of daily maintenance of per cattle 200/- per day of 29 cattle, as per the above discussion applicant has to pay the intervenor/Goshala. The applicant has to execute a bond of Rs.15,000 with solvent surety for further payment of maintenance amount in compliance with Rule 5(1) of Prevention of Cruelty to animals (Care and maintenance of Case property animal) Rule 2017, Rs.200per day per cattle till the disposal of the Case.

10] As per authority of Hon'ble Bombay High Court Bench at Nagpur **in Tahir Shaikh Vs. State, Criminal Writ Petition No.685/2023**. Hon'ble Court observed that,

"release the vehicle Subject to appropriate conditions consistent with the rules and the law, however, directed the vehicle owner to pay for maintenance charges of seized cattle, before of Vehicle".

11] The applicant filed verified copy of Certificate of Registration which shows that he is registered owner of said vehicle. I Gone through the authority of Hon'ble Supreme Court in Sundarbhai **Ambalal Desai vs. State of Gujrath A.I.R. 2003 SC 638**, the Hon'ble Apex Court held that,

"whatever be the situation, it is of no use to keep such vehicle at police station for long period. It is for Magistrate to pass appropriate order immediately by taking appropriate bond and

guarantee as well as security for return of the said vehicle, if required at any point of time".

After going through above entire discussion it reveals that Applicant being the registered owner, he is entitled for the interim custody of the vehicle through his power of attorney subject to condition incorporated below in that result, I pass the following order:

ORDER

- 1] The applicant Manik Narsayya Sanjiv through power of attorney Parag Suresh Dange is directed to pay per day per cattle of Rs. 200/- from the date of 23/12/2025 till today to the intervenor/Goshala Santha toward maintenance charges of 29 cattle within three days from the date of order.
- 2] The applicant is further directed to execute a bond of Rs.15,000 with solvent surety for further payment of maintenance amount in compliance with Rule 5 of Prevention of Cruelty to animals (Care and maintenance of Case property animal) Rule 2017, Rs.200 per day per cattle till the disposal of the Case.
- 3] The applicant shall subject to fulfillment of above direction Truck having the VE Commercial Vehicles Ltd Company Eicher Pro 2114XP bearing registration No.MH-35-AJ-2016, chasis No.MC2ESHRC0MA184461, engine No. E426CDLM335465 seized by Bela police station in C.R.No.521/2025 for the offence punishable u/s. 5 of Maharashtra Animal Protection Act, Sec. 11(1), 11(1)g,

11(1)h, 11(1)f, 11(1)e, 11(1)d, and 11(1)c The Prevention of cruelty to animals Act, section 181, 3, 192A, 66(1) Motor vehicles Act, Sec.119 The Maharashtra Police Act, Sec.3(5) of the Indian Penal Code be released in favour of the Power of attorney namely **Parag Suresh Dange** on executing Supurtnama Bond of Rs.15,00,000/-(Rupees Fifteen lack only) on following conditions :-

a] He shall not change the color or look of the vehicle. He Shall not hand over the possession of the vehicle to third party

b] He shall produce the said vehicle as and when required by the investigating officer.

c] He shall produce before I. O. documents showing valid insurance of said vehicle.

4] The Investigating Officer is hereby directed to take color photographs of the vehicle with all angels at the expenses of applicant and prepare a detail panchnama before handing over the vehicle to applicant and obtain his signature on the photographs and panchnama. He is also directed to produce the same while submitting the charge-sheet in the Court.

Umred
Date:20.03.2026

(R.S.Mankar)
2nd Judicial Magistrate,F.C.
Umred

<u>CERTIFICATE</u>		
I affirm that the contents of this PD.F file Judgment/Order are same word to word as per the original order.		
Name of Court	:-	Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Umred, Dist.Nagpur
Presiding Officer	:-	R. S. Mankar
Judgment uploaded by	:-	S.B.Ghardinkar (Stenographer L.G)
Date of Judgment	:-	20.03.2026
Judgment/Order signed by the presiding officer on	:-	20.03.2026