

MHNS100003142026

Exhibit No. : 16

Presented on : 25.03.2026

Registered on : 04.04.2026

Decided on : 11.06.2026

Duration : Years-Months-Days
00 02 17**IN THE COURT OF ADDITIONAL SESSIONS JUDGE****AT : NIPHAD****(Presided over by Abdussalam A.A.Shaikh)****CRIMINAL REVISION APPLICATION NO. 17 OF 2026**

Shyam Hiranman Pawar]
Age : 42 Yrs., Occ. : Business]
R/o. Sambhajinagar, Gavthan,]
Kalwan, Tal. Kalwan, District Nashik.] **Applicant**

Versus

1] Maharashtra State]
Through : Police Inspector]
Chandwad police station,]
Tal. Niphad, Dist. Nashik]

2] Late Shankar Dalpat Suryawanshi]
Goshala]
Address : Mungase, Taluka Malegaon]
District Nashik.] **Respondents**

Revision against the order dated 6th March, 2026 passed below Exh.1 by learned Judicial Magistrate, First Class, Chandwad in Cri.M.A.No.19/2026.

Shri. U.S.Kadam, Advocate for petitioner.

Shri.R.L.Kapse, APP for respondent No.1

Shri.P .S. Kulkarni, Advocate for respondent No.2.

J U D G M E N T

(Delivered on 11th June, 2026)

1. By filing this revision-application under Section 438 of B.N.S.S., 2023, (corresponding Section 397 of Cr.P.C.), applicant has challenged the order dated 6th March, 2026 passed below Exh.1 by learned Judicial Magistrate, First Class, Chandwad in Cri.M.A. No.19/2026 whereby the prayer for interim custody of the vehicle i.e. Mahindra Bolero Pick-up vehicle bearing No. MH-41-AU-5972 (hereinafter referred to as 'the said vehicle') seized in CR No. I-35/2026 of Chandwad police station, was rejected. Being aggrieved, this revision application is filed.

2. It is the case of applicant that he purchased the said vehicle from original owner Suresh Keda Aher on 19.12.2024 for the consideration of Rs.10,75,200/- and that he paid Rs.1,36,800/- in cash and that remaining amount is financed by Choramandalam Finance on the said vehicle and that the vehicle is not yet registered in his name but he pays the EMI of the said vehicle and the said agreement is executed in his favour. He is not at all concerned with the said crime. He is the owner of the said vehicle. The said vehicle is the source of livelihood for business purpose. It is therefore, submitted that the said vehicle be given to him.

3. I have perused application and the say of Ld. APP at Exh.7. Ld. APP has strongly opposed this application and prayed for the dismissal of this application on the ground that the said vehicle was

found illegally transporting the bulls after tying them in cruel manner for the purpose of slaughtering.

4. Respondent No.2 Shankar Dalpat Suryawanshi Goshala by filing its say cum written argument at Exh.8 has strongly opposed this application and submitted that the order passed by the Ld. Magistrate is just and proper and that revision application may be dismissed with costs.

5. I have perused the impugned order passed by the Ld. Magistrate. I have heard both the sides.

6. Following points arise for my determination and I have noted my findings against it for the reasons to follow :-

POINTS	FINDINGS
1] Whether applicant is entitled for the interim custody of the said vehicle ?	.. Yes.
2] Whether any interference is required in the impugned order passed by the Ld. Magistrate ?	.. Yes
3] What order ?	.. As per final order

REASONS

As to Point Nos. 1 to 3 :

7. Case of prosecution as is disclosed from the FIR bearing CR No.I-35/2026 is that informant namely Rohidas Pundlik Pachpute is a police constable attached to Chandwad police station. Informant lodged his report to police that on 24.01.2026 after doing patrolling duty at about 06.00 a.m. he came to the police station and he was informed by

PI.Kailas Wagh that he received phone call of Gaurakshak(cow protector) Dnyaneshwar Eknath Mahale that on the road of Wadbare to Chandwad near Icchapurti Ganesh Mandir, Chandwad, they obstructed the Pick-up vehicles which were transporting illegally the bulls and therefore, informant was directed by the P.I. to come with him for taking action as per the law. Accordingly, informant along with his P.I. and other police persons mentioned in the FIR went to that spot and they saw that Gaurakshak Dnyaneshwar Eknath Mahale along with six more persons mentioned in the FIR were present there and that they obstructed seven Pick-up vehicles the numbers of those vehicles are mentioned in the FIR including the said vehicle. So they checked those Pick-up vehicles and found that in each Pick-up vehicle, there were three bulls and in this way total 21 bulls were found tied cruelly in the aforesaid seven Pick-up vehicles. So P.I. of the police station asked the name of the drivers of those Pick-up vehicles and the person sitting next to driver and those persons told their names and accordingly the names of those persons are mentioned in the FIR. The driver of the said vehicle was Shyam Hiranman Pawar and the person sitting next to him who was the seller of the oxen told his name as Hemant Karan Solanki. They inquired from them about permit or licence for transporting the said bulls but they replied that they were not having such permit or licence. They also inquired from them as to whether they got those bulls medically examined, but they were not having any document to show that those bulls were medically examined. No other document in respect of purchase and sale and permit for transporting those bulls were with them. They did not give any information as to who is the owner of those bulls and from whom they purchased it and where they are carrying it. Therefore, police and Gaurakshak became certain that those bulls were being transported for slaughtering purpose. So those

bulls were seized along with aforesaid Pick-up vehicles in presence of panchas under panchanama and they got the medical examination of those bulls done through Livestock Development Officer(पशुधन विकास अधिकारी), Chandwad and they also mentioned the description of each bulls in he FIR. Thereafter, arrangement was made for sending those bulls to Gaushala. So on the report of the informant aforesaid crime was registered.

8. It is argued by the Ld. Advocate for the applicant that as per the case of prosecution, police received information from Gaurakshak and then police went to the spot. Police found that seven Pick-up vehicles were there and in each Pick-up vehicles three bulls were tied in cruel manner and they asked the name of the driver and the name of the person sitting next to the driver in the vehicle and thereafter police and Gaurakshak became certain that the aforesaid bulls were being transported for slaughtering purpose. It is argued that the description of those bulls are given in the FIR, but there is nothing to show that any of the bulls were having any injury on any part of its body. Therefore it cannot be said that those bulls were being transported in that vehicle in cruel manner. The Ld. Trial court rejected the application on the ground that previously also crime was registered against the said vehicle for transporting the cattle in a cruel manner, but that fact is not got proved as the matter is pending in the learned Trial Court. It is further argued that in the present case it is not proved that those bulls are being transported in cruel manner for slaughtering purpose. It is further argued that loans of the said vehicle are yet to be paid by the applicant. The said vehicle is a source of livelihood for the applicant. The duty to pay the costs of maintaining the cattle may be put on the owner of the cattle. Applicant is not at all concerned with the

said bulls or cattle. It is therefore, submitted that application may be allowed. In support of his arguments, he relied upon the following authorities :

(i) Bilal Shakeel Kureshi vs. The State of Maharashtra Writ Petition No. 632 of 2023 dated 21.09.2023. In para Nos.6, 7, and 8 of this authority, the Hon'ble High Court has observed as under :

“6. In the instant case, prima facie material on record indicates that animals were purchased by the petitioner on 28.01.2023 from the market committee at Jamkhed. Record indicates that immediately after purchase of the animals they were being transported from Jamkhed to Vida, Tal. Kaij. There is nothing on record to indicate that any injuries were caused to the animals. Perusal of the impugned orders also do record such findings. It appears that applications are rejected essentially on the ground that the animals were being taken for the purpose of slaughtering. The learned Revision Court has held that prima facie it appears that the bullocks were not purchased for the purpose of agricultural work. The learned Magistrate has accepted the contention of the prosecution that the animals are likely to be taken for slaughtering and possibility of slaughtering cannot be ruled out. These observations prima facie do not get support from the material placed on record. In absence of any such material it is not open for the court on surmises and assumption to hold that the animals were transported for the purpose of slaughtering.

7. In the instant case, except for the allegation that 13 animals carried in one vehicle, there is no other material to show that any injuries were caused to the animals in question. In the case of Shri. Chatrapati Shivaji Gaushala (supra) relied upon by the learned APP, Gaushala had objected for handing over custody to the owner. Pertinently Gaushala to whom the custody of the animals was handed over has not opposed the application for handing over interim custody of the cattles to the petitioner.

8. In absence of any injuries being caused to animals and in view of the fact that the cattles were being taken after their purchase from the market, it is not the case for rejecting interim custody to the petitioner. Appropriate care can be taken and that the cattles in question can be preserved during the pendency of the trial and further it can be ensured that the cattles are kept in good condition and health.”

(ii) **Shri Guru Ganesh Shri Guru Mishri Gaurakshan vs State of Maharashtra and Ors. Criminal Writ Petitioner No. 1341 of 2022 dated 12.05.2023.** In para Nos.14, 18 and 19 of this authority, the Hon'ble High Court held as under :

"14. Thus, it is seen that the Act provides for the prohibition of slaughtering of the animals. So far as the object of the Prevention of Cruelty to the Animals Act, 1960 is concerned, under the Maharashtra Act, there is no prohibition of slaughter of buffaloes and thus assuming that the cattles were carried for the purpose of transport, even then it cannot be said to be against the Act. In view of above, it is clear that the allegations under Section 9A, 5 and 6 of the Maharashtra Act are not applicable to the present case. It is clear that the JMFC had passed order on 18.06.2022 and inspite of that the animals were not given in possession of the owners. From the facts of the case, it is seen that when the concerned person went to Goshala to see the condition of the animals, the Goshala was found locked for two days and therefore, the police had to issue a letter to Goshala. Further fact needs to be considered is that four buffaloes died while in custody of Goshala and that too after more than 25 days of the seizure of the animals. This again shows that the animals were not kept in good condition even by the Goshala. The sessions court has considered that the injuries were abrasion, contusion and swelling and were not serious in nature.

18. As observed by the learned Sessions Court, the vehicles were not air-tight vehicle and were free to sky. This court notes that the learned Sessions Court had noted condition of the animals. The Court also rightly considered that there was no allegation in the FIR that the animals were being transported for the purpose of slaughtering. Further the observations in para 44 that the requisite certificates from the Veterinary Doctor were not obtained. The allegation that more than six cattles were transported by the vehicle, was not as serious to conclude that there was cruelty to the animals and has rightly passed the order.

19. Hence, in view of above discussion, the Court finds that the learned Sessions Judge has rightly passed the order and no interference is called for. Since it is pointed that inspite of order passed by the learned JMFC, the custody of the animals was not handed over to the respondents. It prima facie finds that the respondents shall not be liable to pay maintenance amount, till the date of order passed by the Magistrate, the respondents to pay the amount of maintenance. It is rightly pointed out that for 41 animals, they will be required to pay Rs.8200/- per day. Therefore, the question of payment of maintenance amount after order passed by the learned Magistrate shall be decided at the conclusion of

the trial. Hence, this Court finds that there is no merit in the petitions. The petitions are thus dismissed. Rule discharged. The learned JMFC shall release the cattles on deposit of maintenance amount as mentioned above.”

(iii) Niraashrit Gauvansh Seva Foundation vs. The State of Maharashtra and others Criminal Writ Petitioner No. 985 of 2024 dated 03.07.2025. In para Nos.10, 11 and 12 of this authority, the Hon’ble High Court has observed as under :

“10. I have heard the learned counsel for the petitioner as well as the learned APP for the State and also gone through the First Information Report. It appears from the FIR that the accused persons were carrying those animals on foot by road and 2 animals were tied together in a group. When they were apprehended, they informed that after the owner purchased those animals, they were asked to carry those animals to the destination. There is nothing on record to suggest that the animals were taken for the purpose of slaughtering except the apprehension of the Investigating Officer rather, respondent no.2 produced the trade licence for trading animals issued to him by Market Committee, Morshi and APMC, Narkhed and the purchase receipt issued by APMC, Katol. Therefore, the learned Magistrate recorded a finding that there is no material to show that the animals were for the purpose of slaughtering and were being subjected to cruelty which was also affirmed by the Revisional court.

11. In absence of prima facie material to show that there was cruelty to the animals which were being carried by the accused persons or they were being taken for the purpose of slaughtering coupled with the fact that all necessary documents were produced by the petitioner, no interference is required in the order of the learned Magistrate which is modified by the Revisional Court only to the extent of quantum of maintenance while maintaining the order of giving temporary custody of the animals to respondent no.2.

12. In the case of Shri. Chatrapati Shivaji Gaushala (supra) there was a finding recorded by the High Court that there was cruelty to the animals which were seized by the police. Whereas, in the present case there is no material on record to prima facie show that the animals were subjected to any form of cruelty which is also recorded by the Trial court as well the Revisional Court. Therefore, the case of Shri. Chatrapati Shivaji Gaushala (supra) will not be helpful to the petitioner. For the same reason, the other decisions relied upon by the learned counsel for the petitioner will also not be helpful. ”

9. On the other hand, Ld. APP has argued that total 21 bulls were found in seven Pick-up vehicles. The drivers of those vehicles were not having permit for transporting those bulls and they did not give any explanation for the same. They were also not having any document to show that medical examination of the cattle was done. They were also not having any document to show that those cattle were purchased. Informant became certain that those bulls were being transported for slaughtering purpose. It is further argued that the order passed by the Ld. Magistrate is just and proper and the application may be rejected.

10. It is argued on behalf of respondent No.2 that when the applicant is not the registered owner of the said vehicle, applicant has come with the case that on the stamp paper of Rs.100/-, said agreement was done and through that agreement they purchased the said bulls. The said vehicle was used earlier for transporting the bulls for slaughtering purpose and therefore, it should not be returned to its owner. It is further argued that there is provision that for the maintenance of these cattles, maintenance of Rs.200/- for each cattle per day should be recovered from the owner of the cattle or from the owner of the vehicle. Those cattle were found being transported for slaughtering purpose. The order of the Ld. Magistrate is just and proper. It is therefore, submitted that application may be rejected. In support of his arguments, he relied upon the following authorities :

(i) Devender Ashok Karankal vs. The State of Maharashtra & Anr. Petition(s) for Special Leave to Appeal (Cri.) No.(s). 13561/2025. In para No.2 of this authority, the Hon'ble Supreme Court has observed as under :

“2.In the facts and circumstances of the case, as thus vehicle has been misused repeatedly, we are not inclined to interfere with the order of

the court below rejecting the application for the release of the seized vehicle.”

(ii) Devendra Ashok Karankal vs. The State of Maharashtra and another Criminal Write Petition No. 318 of 2025. In para No.3 and 8 of this authority, the Hon’ble High Court has observed that :

“3.The facts in short are that a complaint came to be registered with Sindhkheda Police Station, Dist. Dhule on 12/9/2024, for offence punishable under under Sec. 9, 5(a), 11(1), 11(1)(d),11(1)(c), 11 of the Maharashtra Prevention of Cruelty to Animals Act, 1960. It is a case that police persons received concrete information that some cows are being transported for the purpose of slaughtering from Dhondaicha site to Songir. The police, therefore, kept watch on the road near Khalane phata and arranged a trap. They apprehended the vehicle. The driver ran away by stopping the vehicle. In the vehicle it was found that cows were tied in a cruel manner. Total 11 cows were found. On the basis of this, crime came to be registered. The investigation was complete and now case is pending in the Court of learned JMFC, Sindhkheda.

8. Heard learned Advocates for the parties. It is undisputed that the vehicle was found used in similar crime on earlier occasion. An application for release of the vehicle in that proceeding was filed. The vehicle was released specifically imposing certain conditions that the petitioner shall not use said vehicle for similar offence in future. Presently, the petitioner’s vehicle is found against the condition imposed upon him in the earlier proceeding. This Court, therefore, finds that no sympathy can be shown to the petitioner. The judgment relied upon by the petitioner is also not of much help to the petitioner.”

(iii) Nilkant s/o Shriram Suryawanshi vs. The State of Maharashtra Criminal Writ Petition No. 1816 of 2022. In para No.5 of this authority, the Hon’ble High Court has observed as under :

“5. After hearing both the parties, this Court finds that it is admitted position that the vehicle in question is found to have been used in the illegal activities of carrying of sand illegally, though it was earlier seized and released by the Court. It is clear from the record that the petitioner is using the said vehicle again and again for the illegal purpose. From the judgment of the Karnataka High Court, this Court finds that there is no ratio as such laid down and the Court can use its discretion looking to the facts of the case. Certainly when the vehicles are used for illegal

purposes again and again in such cases, releasing of the vehicle would ultimately facilitate the use of the said vehicle again for illegal purpose. In such circumstances, this Court finds that no case is made out to allow the petitioner. ”

(iv) Bhaginath s/o. Sakharam Kalam vs. The State of Maharashtra Criminal Writ Petition No. 1233 of 2019 decided on 11th March, 2020.

In para Nos. 4 to 6 this authority, the Hon’ble High Court observed as under :

“4. It can be seen that the applicant is contending that, he is the owner of tractor bearing No.MH-20-AB-4512 and trolley bearing No.MH- 20-AS-1267. There is no dispute about his ownership. However the fact is that, now the said tractor along with trolley has been seized by Sillod Police Station, in Crime No.41 of 2019 for the offence punishable under Section 379 of Indian Penal Code and other sections under Motor 3 WP 1233-2019 Vehicles Act. Further it appears that, the tractor along with trolley was found transporting sand without licence. Though offence under Mineral Act has not been invoked by the police under charge-sheet, possibility of addition of that charge cannot be ruled out.

5. Further fact which is not in dispute is that, earlier also the said tractor along with trolley belonging to the present petitioner was seized in Crime No.12 of 2018 in similar offence. At that time the said tractor along with trolley was released by the Court on conditions, and definitely one of the condition would be, which is inherent, that he shall not use the said tractor and trolley for commission of any offence much less similar offence. This position has not been denied by the petitioner. Therefore, when it is crystal clear that once again his tractor along with trolley is involved in similar kind of offence then he cannot seek the custody of the said vehicle as of right. The ratio laid down in case of *Sunderbhai Ambalal Desai v. State of Gujarat* (Supra), will not be helpful to the present petitioner for the simple reason that the point regarding breach of condition by the person claiming the custody of such vehicle in subsequent offence, was not before the Hon’ble Supreme Court at that time.

6. There is absolutely no error or illegality committed by both the Courts below in rejecting the application which was under Section 457 of Code of Criminal Procedure i.e. during the pendency of the trial. At the conclusion of the trial, definitely on the basis of the evidence that

would be adduced before the learned Magistrate; Magistrate is bound to take final decision in view of Section 452 of the Code of Criminal Procedure. Hence, no case is made out for invoking the constitutional powers of this Court under Article 227 of the Constitution of India. Hence, writ petition stands rejected. ”

11. Perusal of FIR shows that when informant along with P.I. and other police persons went to the spot and when they inspected those seven Pick up vehicle they found that in each Pick up vehicle three bulls were tied. The description of those bulls are also mentioned in detail in the FIR and they got medical examination of the bulls done. There is nothing to show that any of the bulls sustained any injury on its body. The learned Magistrate accepted the contention of prosecution that those bulls in each vehicle were being transported for the purpose of slaughtering. However, in order to support such contention, prosecution has not produced any material on record. In the absence of any such material on record, it is not proper on the part of the learned Magistrate to hold that prima facie the bulls were being transported for slaughtering purpose. Merely because three bulls were found in each Mahindra Pick-up vehicle that by itself is not a ground to come to the conclusion that they were being transported in a cruel manner for slaughtering purpose. Merely because they could not give any explanation for permit or licence for transporting the same and they did not give the explanation as to from whom they purchased it and where they were carrying it, that by itself is not a ground to prima facie come to the conclusion that those bulls were being transported for slaughtering purpose. Under the circumstances, I am of the view that prima facie there is nothing to show that those bulls were being transported in a cruel manner for slaughtering purpose. The Ld.

Magistrate while rejecting the application, observed in para No.16 as under :

“16. The Intervenor Goshala has satisfy that they are organization and engaged in looking after the welfare of animals. As per the circular of Maharashtra Animal Welfare Board dated 02/07/2019, the rate are fixed at the rate 200/- per animal per day. Considering the facts and circumstances discuss above I am of the view that, as vehicle was involved in similar types of offence as per authority cited supra of Hon’ble Apex Court in Devender Ashok Karankal Vs. State of Maharashtra the applicant is not entitled for interim custody of vehicle and intervenor Goshala is entitled for the maintenance charges from applicant as per rule 5(1) of Prevention of Cruelty to Animal (Care and Maintenance of Case Property Animal) Rules 2017 till final disposal in this manner and charge of the same shall be kept on said vehicle as per rule 5(4).”

12. As the vehicle was found in similar type of offence, the Ld. Magistrate rejected the application and directed the applicant to pay the maintenance charges of the said bulls to Gaushala of Rs.200/- per day from the date the animals i.e. bulls kept with the said Gaushala till further order and the charge of the same was ordered to be kept on the vehicle. Applicant has filed affidavit at Exh.13 stating therein that he is not the owner of the bulls and that he would not claim the custody of those bulls. Under the circumstances petitioner should not be asked to pay the maintenance charges of the aforesaid bulls seized in aforesaid crime. Considering the fact that when the aforesaid bulls were examined there is nothing to show that any injuries were found on the body of any of the bulls indicating cruelty in transporting the said bulls and the fact that three bulls were found in each Pick-up Jeep and the fact that merely because the driver and persons sitting in the said vehicle could not furnish the permit or licence for transporting the same and that they did not give proper answer as to from whom they purchased and where they were carrying it, prima facie it does not

appear that those three bulls in each vehicle were being transported in a cruel manner for slaughtering purpose. Under the circumstances, I am of the view that the said order of Ld. Magistrate rejecting the application is not just and proper and it is required to set be aside. Applicant has produced the verified copy of the RC paper(i.e. Smart card) of the said vehicle in which the name of Suresh Keda Aher is mentioned as registered owner. Applicant has produced copy of agreement for sale of the vehicle dated 19.12.2024 whereby the registered owner sold the said vehicle to applicant and gave the custody of the said vehicle to applicant on 18.12.2024. Under the circumstances, applicant is entitled to claim the interim custody of the said vehicle. My answer to point No. 1 and 2 is "Yes". My answer to Point No.2 is as per final order. For the reasons stated above application deserves to be allowed. Hence, I pass following order :

ORDER

1. Revision application is allowed.
2. Order dated 06.03.2026 passed below Exh.01 in Cri.M.A.No.19/2026 by learned J.M.F.C. Court, Chandwad is hereby set aside.
3. Mahindra Bolero Pick-up vehicle bearing No. MH-41-AU-5972 seized in CR No.I-35/2026 of Chandwad police station be given to the interim custody of the applicant on his executing indemnity bond of Rs.8,00,000/- (Rupees Eight Lakh only), subject to following condition that :
 - (i) he shall not sell, dispose of, mortgage or make any change in it;

(ii) he shall produce the same in the Court as and when court direct and ;

(iii) he shall not use the vehicle for the commission of any offence.

4. Investigating Officer is directed to take photographs of all the four sides of the aforesaid vehicle before handing over the same to the interim custody of the applicant in presence of panchas at the cost of applicant and prepare panchanama in that respect and the said panchanama be filed in this case and treated as part and parcel of this charge-sheet.

5. Inform the learned Magistrate and the Police accordingly.

Date : 11.06.2026
Place : Niphad

(Abdussalam A.A.Shaikh)
Additional Sessions Judge-1,
Niphad.

