

ORDER BELOW EXH. 1

By this application, applicant namely **Daud Salim Sayyad** **Age : 36 years** has prayed for interim custody of seized vehicle i.e. Mahindra and Mahindra company Bolero Pickup bearing registration no. MH-20-GC-1170, chassis no. MA1ZU2TNKN1H77161 and engine no. TNN1H88171.

2) It is contention of the applicant that, he is owner of said vehicle and it is seized by P.S. Kallam in crime no. 94/2026 for the offences punishable under Section 5 (a), 5 (b), 9(b), 11 of the Animal Protection Act 1976 and 11(1), 11 (1) (a), 11 (1) (f), 11 (1) (h), 11 (1) (I) of the Prevention of Cruelty to Animals Act, 1960. The applicant needs the vehicle for his daily used. Hence, he prayed for interim custody of the vehicle.

3) Say of the Ld. A.P.P and I.O was called. I.O Submitted in his say at Exh. 5 that, if the applicant provides all the documents of the vehicle and as to his ownership and also if he is ready to cooperate the investigation and abide by the conditions, there is no objection to hand over the vehicle to the applicant. Ld. APP submitted in his say at Exh. 10 that, the vehicle was used in the offence. If, the custody of vehicle is handed over to the applicant, he may again use it in similer kind of offence. The vehicle was goods carrier but no permit as to such carriage is placed on record. The owner of vehicle is liable for maintenance of the animals in this offence. So, the Ld. APP prayed to reject the application.

4) The Goshala also appeared in this proceeding and filed their say to this application at Exh. 9. The Goshala resisted the application by filing its detailed say. In short, the third party Goshala as prayed to secure the expenses of said Goshala for maintenance of the animals.

5) Perused record of this case. Heard the Ld. Advocate for applicant, Ld. APP and Ld. Advocate for third party Goshala. As per the police papers it appears that, at present the animals seized in this offence are handed over into the custody of Navjivan Goshala, Mangrul Pati, Tal. Kallam, Dist. Osmanabad.

6) I have gone through the application, documents filed by the applicant on record. It appears from copies of vehicle documents that vehicle no. no. MH-20-GC-1170 is registered in the name of applicant Daud Salim Sayyad. The applicant has also placed his own Aadhar card, vehicle registration certificate, permit of the goods carriage and insurance cover note. The investigation officer has also nowhere contended in his say that the vehicle is required for the purpose of investigation. Therefore, it can be inferred that the custody of vehicle is no more necessary to the investigation officer. The applicant has claimed only for interim custody of the seized vehicle and he is also ready to abide by the conditions if, imposed upon him.

7) In the case of Altaf Babru Shaikh V/s. State of Maharashtra (Cri writ petition no. 2466/2022) and other several similar judgments of the Hon'ble Higher Courts, it is held that, "*Petitioner being owner of the truck is jointly and severally liable for the cost of transport, treatment*

and care of animals.” So, from observations of the Hon’ble Higher Courts it is clear that, the applicant i.e owner of the vehicle is also liable to pay the cost towards the maintenance of animals to Goshala, Animal Welfare Organisation or Panjarpol etc. Therefore, in view of the above legal and factual aspects following order is passed :-

ORDER

- 1] Application is allowed.
- 2] The seized vehicle i.e.Mahindra company Bolero Pickup bearing registration no. MH-20-GC-1170, chassis no. MA1ZU2TNKN1H77161 and engine no. TNN1H88171 be handed over to the applicant as an interim custody till the conclusion of trial on executing his indemnity bond of Rs. 15,00,000/-(Fifteen Lakhs Only) and subject to following conditions:-
 - a] The applicant owner of vehicle shall file separate undertaking before this court and before the investigation officer that, he shall be responsible for the dues for maintenance of the animals to the Goshala/Animal Welfare Organization, till conclusion of the custody of those animals.
 - b] Indemnity bond be executed before the investigation officer, who shall file it before this court along with the charge-sheet.
 - c] Applicant shall not sell, transfer or change structure, or nature of the said vehicle. Applicant shall maintain and preserve property. Applicant shall give undertaking for the same.

- d] Applicant shall produce the vehicle before court and for an investigation as and when directed by the court and concerned investigation officer.
- e] Investigation officer is directed to take the photograph of the vehicle at the cost of applicant and to carry out detailed panchnama of the said vehicle and shall file the same before this court immediately.
- f] The applicant shall furnish the verified copies of the vehicle documents in this court and before the investigation officer as well. He shall also cooperate with the investigation.
- g] The investigation officer shall ensure the compliance of all above conditions before handing over the vehicle to applicant.
- h] The applicant shall clear all the arrears of the maintenance amount for animals which were carrying in said vehicle, to the third party Goshala, till the date of this order.
- i] The investigation officer shall not release the vehicle unless and until the applicant clears the aforesaid due amount of maintenance to the third party Goshala till the date of this order.

sd/-

Kallam

Date :- 22/04/2026.

(Kedar K. Chaudhari)
Judicial Magistrate First Class,
Kallam.