

MHOS080004912026	Cri.M.A. No. 12/2026 Dyaneshwar ..V/s.. State of Maharashtra
	

ORDER PASSED BELOW EXH. 1

This is an application filed by the applicant for return of seized vehicle i.e. **Ashok Leyland vehicle bearing registration No. MH-24-BW-1533, Engine no. C.R.H.219839, Chasis no. MB1AA22E6RRCA5229** (it is here in after referred as 'seized vehicle') vide section 503 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS").

02. It is contended by the applicant that, he is owner of seized vehicle. The said vehicle is seized in crime No. 102/2026 for the offence punishable under section 11 (1), (d) 11(1), 11(E), 11(1)(H) of Prevention of Cruelty to Animals Act, 1960 and section 119 of the Maharashtra Police Act, 1951 read with section 3 (5) of the Bhartiya Naya Sanhita, 2023 by the Police Station, Lohara. The applicant also contended that, he has no concerned with the alleged offence. The police has seized said vehicle without doing any proper inquiry. The police without any reason falsely implicated said vehicle in the false crime.

03. The applicant also contended that said vehicle is the earning source of his family. The said vehicle is

necessary for daily needs and for his business. If said vehicle is kept in the police station, then parts of said vehicle will be damaged. The applicant is ready to furnish indemnity bond for release of said vehicle and ready to abide all the conditions imposed by the Court. Therefore, applicant prayed for allow the application.

04. Say of investigating officer and learned A.P.P. has been called. The investigating officer has filed his say at Exh. 06 & 12 and contended that said vehicle has seized in this crime. Further he has opposed to the application. The learned A.P.P. has filed his say at Exh.07 and submitted that direction be given to the applicant to deposit Rs. 125/- per animal towards the care and maintenance charges.

05. The advocate Shri. A. B. Munde is appeared on the behalf of Goverdhan Goshala, Kasar sheshi, Tq. Nilanga, Dist. Latur and he has objected the application submitted that, the alleged animals are kept in their Goshala for preservation and care since then the Goshala is taking good care of the animals. Further he has submitted that, direction to be given to the applicant to deposit the cost of maintenance of Rs. 200/- per animal.

06. Perused the application and documents filed on record. Heard the arguments of both sides at sufficient length.

07. The applicant has filed on record verified copy of registration certificate, vehicle particulars of said seized vehicle and photocopy of adharcard. The documents showcase that the applicant is the owner of the said seized vehicle. There is no other claimant or dispute about the ownership of the applicant. The Hon'ble Apex Court in **Sunderbhai Ambalal Desai v. State Of Gujarat, (2002) 10 SCC 283**, held that-

“In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of said vehicles, if required at any point of time.”

08. Though, the vehicle seized under the special statute, no specific provision is brought to the notice about confiscation of the vehicle. In absence of such provision, the general provisions contained under BNNS would apply. The trial of case will take considerable time for its disposal. Certainly, if said vehicle is kept lying at police station, during passage of time it would become worthless. Further, said vehicle is needed to the applicant for his daily needs and business. Therefore, interim custody of said vehicle can be given to the applicant.

09. The Id. Advocate for Goverdhan Goshala, Kasarsheshi, Tq. Nilanga, Dist. Latur has relied on the case law **Abdul Majeed and ors Vs State of Maharashtra**. The Hon'ble High Court has observed in para no. 23 as

“ As per sub rule(2) of Rule 5, if the Gaushala is having the custody of the animals in that event the Gaushala would be entitled to receive animal maintenance charges from the date of custody till date of final disposal of the animal. As per Sub- Rule 5 of Rule 5. if the vehicle is involved for the offence relating to transport of animals, the vehicle owner is liable for the cost of transport, treatment and care of animals. Therefore, considering the facts and circumstances of the present case, after seizure of the cattle, custody of the cattle were given to the respondent no. 2 on the date of seizure. In cases in hand, the petitioners have not claimed custody of the animals but in both the petition, the petitioners have claimed custody of the vehicles on Supurtnama. Therefore, taking into consideration of provisions of Rule 5 of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals), Rules 2017 as well as the bearing Truck No. TS-16-UB-6896, Truck No. AP-07-TB 4911, and Truck No. TS-08 UE-6840 in favour of the Petitioners on imposing strict terms and conditions. In view of above discussion, impugned order dated 04.04.2024 passed by the Additional Sessions Judge, Bhokar, In Criminal Revision Nos. 6 of 2024 and 7 of 2024, as well as order dated 23.02.2024, passed by the Learned J.M.F.C. Umri, in O.M.C.A No. 22 of 2024 and O.M.C.A. No. 23 of 2024, are hereby quashed and set aside. Further, the impugned order dated 08.04.2024 passed by the learned Additional Sessions Judge, Bhokar in Criminal Revision No. 02 of 2024 as well as the order dated 06.02.2024, passed the learned J.M.F.C. Umri in O.M.C.A No. 11 of 2024, are hereby quashed and set aside.”

Further, Hon'ble High Court has observed in para no.

28 as

“The Petitioners shall deposit cattle maintenance charges including transportation, treatment and care of animals with the Respondent No. 2 at the rate of Rs. 200/- per day per cattle, from the date of its seizure till the order passed by the learned J.M.F.C. prior to releasing the vehicles in their favour and shall furnish the receipt issued by Respondent No. 2 before the learned J.M.F.C.”

10. Further, the said Rules of 2017. Rule 5 sub-rule (5) provides that in cases of offences relating to transport of animals, the vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severally liable for the cost of transport, treatment and care of animals.

11. It is apparent from the Rule 5 sub-rule (4) and (5) of the Rules of 2017 that the vehicle involved in the offence shall direct to be held as security and the vehicle owner shall be jointly and severally liable for cost of transport, treatment and care of animals.

12. On perusal of F.I.R. and say filed by police station, Lohara it reveals that there are total six animals i.e. four cows, two calf were seized. So, it would be just and proper to direct applicant to pay Rs. 200/- per day for the total six animals for the purpose of their daily maintenance and care. The record shows that, the cattles were kept in the said Goshala on 07.05.2026. Therefore, period of said

costs is since from the date of seizure i.e. 07.05.2026 to 10.05.2026. Thus, total days is 34 days, therefore, the costs comes to Rs.40,800/-. The costs is required to be paid by the applicant to said Goverdhan Goshala, Kasar sheshi, Tq. Nilanga, Dist. Latur.

13. Thus, considering the discussion hereinabove, I am of the view that the applicant is entitled for the interim custody of said vehicle on conditions. In the result, following order is passed:

ORDER

1. The application is allowed.
2. The interim custody of vehicle i.e. **Ashok Leyland vehicle bearing registration No. MH-24-BW-1533, Engine no. C.R.H.219839, Chasis no. MB1AA22E6RRCA5229** seized by Police Station, Lohara in connection with **Crime No. 102/2026** be given to the present applicant on furnishing his indemnity bond of **Rs.7,00,000 (Rs. Seven lakh only)**.
3. Applicant shall bind himself that -
 - a. He shall not sell or create third party interest in the said vehicle till final disposal of the case.
 - b. He shall not change the nature of said vehicle till final disposal of the case.
 - c. He shall produce said vehicle before the Court as and when directed.

- d. He shall not use said vehicle in any crime.
 - e. The applicant shall furnish the photocopies of R.C book of the vehicle to the concerned police station, Lohara.
4. The applicant is hereby directed to pay Rs.40,800/- (Forty Thousand Eight Hundred Only) to the Goverdhan Goshala, Kasar sheshi, Tq. Nilanga, Dist. Latur towards daily maintenance and care of the seized animals since from date of seizure i.e. 07.05.2026 to 10.06.2026 within three days from the date of this order.
 5. Seized vehicle is held as security vide Rule 5 sub-rule (4) of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.
 6. In case of failure to pay the cost amount of Rs.40,800/- (Forty Thousand Eight Hundred Only) as directed above, the amount be recovered as the arrears of land revenue vide Rule 5 sub-rule (8) of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.
 7. The applicant is hereby also directed to execute separate indemnity bond before the P. S. Lohara in

respect of payment of said costs and same be produced by investigating officer along with chargesheet.

8. The Investigating officer is hereby directed to take photographs of said vehicle from all sides and prepare detail panchanama of said vehicle which shall be countersigned by the applicant and submit these documents along with chargesheet.
9. The applicant shall submit indemnity bond of Rs.7,00,000/- before P. S. Lohara and same be produced by investigating officer along with chargesheet.
10. The investigating officer is directed to hand over interim custody of said vehicle to the applicant after making above mentioned compliance by him.
11. Issue letter to the concerned Police Station and Goverdhan Goshala, Kasar sheshi, Tq. Nilanga, Dist. Latur for necessary action and information.

Date: 10-06-2026

(Gajanan B. Jankar)
Judicial Magistrate First Class,
Lohara.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer	--	P. R.Barangule
Court Name	--	Shri. G.B. Jankar JMFC, Lohara
Date	--	10.06.2026
Judgment signed by the Presiding Officer on	--	10.06.2026
Judgment uploaded on	--	10.06.2026