

Order below Exh. 36 in S.C.C. No.48/2015

The State of Maharashtra Vs Shafad Qureshi

(Passed on 02/06/2025)

Perused the application (Exh. 36), reply, and the entire charge-sheet. Heard the learned APP and the learned Advocate for the accused.

2] This application is preferred by the learned APP seeking recall of the order passed below Exh. 27 on 26/12/2024. It is contended that the accused has committed offenses under Section 11(a) of the Prevention of Cruelty to Animals Act, 1960 and Sections 6, 9, and 11 of the Maharashtra Animal Preservation Act.

3] It is further submitted that the accused had earlier filed an application (Exh. 27) on 07/08/2023 seeking closure of proceedings on the ground of prolonged pendency since 2015 and non-appearance of the complainant despite due opportunities. The accused had also prayed for the release of the seized animals, claiming ownership thereof, or alternatively, compensation in lieu of the animals. The Court partly allowed the said application and passed an order on 26/12/2024 directing the release of the seized animals to the accused on bond.

4] Subsequently, on 03/05/2025, the prosecution filed the present application (Exh. 36), bringing to the notice of the Court the order passed by the Hon'ble Bombay High Court in Criminal Writ Petition No. 4313/2018 dated 06/08/2019. In the said order, the Hon'ble High Court directed that the custody of the animals shall

remain with Respondent No. 3 until further orders, and liberty was granted to the parties to seek early hearing of the petition.

5] It is evident that the order dated 26/12/2024 was passed without the knowledge of the binding directions of the Hon'ble High Court. It is also noted that the prosecution has, till date, failed to file a certified copy of the Hon'ble High Court's order despite repeated oral directions.

6] However, in light of the binding effect of the Hon'ble High Court's directions and in order to maintain judicial discipline and avoid any conflict of orders or overlapping jurisdiction, it is deemed just and necessary to recall the order passed below Exhibit 27. Hence, I pass following order-

ORDER

1. The order dated 26/12/2024 passed on Exhibit 27 is hereby recalled and set aside.
2. The prosecution is directed to file a certified copy of the Hon'ble High Court's order along with an affidavit within 15 (fifteen) days.
3. Both parties are at liberty to take appropriate steps in light of the proceedings pending before the Hon'ble High Court.
4. Copy of this order be sent to concern police station and Cowshed (*Go-shala*)

Bhor.
Date : 02.06.2025.

(Meena W. Jadhav)
Judicial Magistrate First Class, Bhor.

CERTIFICATE

I affirms that the contents of this P. D. F. file order are same word for word as per original order.

Name of the Court	:- Hon'ble Smt. Meena W. Jadhav C.J.J.D. & J.M.F.C., Bhore, Pune
Name of the Steno	:- M. S. Kondhare L.G.
Date of Order	:- 02/06/2025
Signed by P.O.	:- 02/06/2025
Order uploaded on	:- 03/06/2025