

MHPU170006772026



ORDER BELOW EXHIBIT 1 IN
OTHER CRI. M.A. NO. 92 OF 2026
(Ramesh Nagappa Uppar Vs. The State)
(Passed on 09/06/2026)

1. Learned advocate for applicant has urged for granting interim custody of seized 10 Jersey cows along with 4 Calves to the applicant (for brevity 'seized animals'). They have been seized in connection of C.R. No. 249/2026 registered at Indapur Police Station for the offences punishable under sections 281 read with 3(5) of the BNS & sections 11(1)(d) & 11(1)(e) of The Prevention of Cruelty to Animals Act 1960.
2. Learned advocate for the applicant submitted that, the applicant is owner of the seized animals. On 25/04/2026 the applicant purchased seized animals from Shrigonda Krushi Utpann Bazar Samitee Tal. Shrigoda Dist. Ahmednagar for consideration of Rs. 2,76,000/- vide receipt number 5698 for milk business purpose. The applicant has filed copy of said receipt along with the application. Perusal of which shows that 10 cows vide receipt No.5698 as described in the application of total valuation of Rs.2,76,000/- have been purchased by the applicant from the said market. It is further submitted that after said purchase, when the applicant was transporting the said animals in Eicher vehicle bearing registration No. MH-12-XM-4005 they were intercepted on way and seized by the police in the above-mentioned crime and kept with Mata Mahakali Goshala Trust Aran, Tal. Madha, Dist. Solapur.
3. It is further submitted that, out of seized animals some cows are pregnant and there is danger to the lives of seized animals at said Goshala. Because, summer season is going on and there is no provision of proper food,

shelter and medical facilities for the seized animals at said Goshala. Therefore, the applicant being owner thereof may bear financial loss in future. Hence, applicant has prayed for interim custody of the seized animals. Applicant undertook to abide by the conditions, if any, imposed. Application is supported by an affidavit.

4. Say of prosecution, I.O. and Goshala was called upon the application. Learned APP has filed say to the application and contended that the seized animals were found to be transporting by subjecting them cruelty. It is further contended that the applicant would not make any arrangement for proper care and protection of the seized animals. Therefore, they are kept in above-mentioned Goshala. The investigation in the above-mentioned offence is going on. Therefore, prayed to reject the application.

5. IO has also filed his say wherein, it is contended that, the police have seized 10 cows and 4 calves in relation with above mentioned offence. It is further contended that seized animals were found to the police while being transported by subjecting them pain and suffering in a vehicle. Though the applicant has produced receipt of purchase of the seized animals from Agriculture Produce Market Committee Shrigonda. However, upon their release in favour of the applicant the possibility of commission of similar offence cannot be ruled out. Thus, prayed to reject application.

6. Heard both sides. I have perused the application, say of I.O. & APP. So also, receipt of purchase of seized animals and documents annexed with the application. So also, I have gone through the relevant provisions regarding custody of seized animals pending the trial.

7. It is pertinent to mention here that in catena of judgments delivered by Hon'ble Supreme Court and Hon'ble High Court it is settled that

while passing order in regard custody of animals, the Court should make interim arrangement so as to see that till disposal of the case, cattle are kept in the hand of a person or authority, which would be able to take appropriate care and welfare and well-being of the said animals is protected. With this principle in mind, I proceed to deal with this application.

8. Admittedly, the applicant is owner of the seized animals as such the application is supported by the above-mentioned purchase receipts, which clearly bear name of applicant as purchaser. At present, seized animals are in the custody of the above-mentioned Goshala. However, said organization has also shown its no objection to release seized animals in favour of the applicant except demand of maintenance charges for the seized animals. Since, welfare of the seized animal is paramount consideration. However, there is nothing on record to show the capacity of said Goshala to accommodate seized animals. So also, to provide them the facilities like food, medical care and shelter etc.

9. Thus, under these circumstances, in my considered view, it would be apt to grant interim custody of the seized animals with the applicant who is lawful owner thereof. Because, at present, he is the only person who is willing to accept the custody of the seized animals and shown his readiness to look after them or abide any condition to be imposed by the Court. At the same time, it is necessary to grant maintenance charges to the above-mentioned Goshala. Hence, I pass following order-

ORDER

1. Application is allowed.
2. The applicant namely Ramesh Nagappa Uppar, R/o. Gangawati Dist. Koppal State - Karnataka is entitled to receive interim custody of 10

cows along with their 4 calves which are more specifically described in the application as well as new born calves (if any) kept in Mata Mahakali Goshala Trust Aran, Tal. Madha, Dist. Solapur on executing an Indemnity Bond before the Officer in Charge of Bhigvan Police Station, binding himself to produce the seized animals as and when directed by the court and in default, to forfeit the amount of Rs. 2,76,000/- (Two Lakh Seventy Six Thousand Rupees only) to the Government. Moreover, the applicant shall not sell or alienate, seized animals till the disposal of the case (except prior permission of the Court except in the interest of seized animals only).

3. The applicant shall furnish, at his own expenses, to the Officer-in-charge of Bhigvan Police station, two self-attested colour photographs of the seized animals, for their identification purpose. The police officer shall facilitate such photography. The Officer-in-charge of Bhigvan Police station shall, upon receiving such photographs, countersign the same, prepare a possession receipt-cum-panchnama, and forward the photographs and possession receipt to the Court along with charge-sheet.
4. IO is directed to deliver the possession of seized animals to the applicants forthwith after drawing above mentioned panchnama.
5. The applicant shall not cause damage or injury to lives and limbs of the said animals in any manner.
6. The applicant shall provide the necessary medical treatment/assistance, water and fodder to the seized animals properly and shall maintain and preserve the said animals with care diligently.
7. The applicant is directed to pay maintenance charges of Rs.2,00/- (Rupees Two Hundred only) per day to above-named Goshala from the

date of depositing seized animals till their release. The maintenance amount shall be deposited in the Court. The person authorized by the said above mentioned Goshala shall be at liberty to withdraw the said amount from the Court after handover the custody of seized animals with the applicant.

8. Copy of this order shall be sent to the Officer-in-charge of Bhigvan Police station and Mata Mahakali Goshala Trust Aran, Tal. Madha, Dist. Solapur for compliance.

Date: 09/06/2026.

(M. H. Farooqui)
Judicial Magistrate First Class
Indapur Dist. Pune.

CERTIFICATE

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

Name of Clerk. :- Shri. P. D. Deshmukh (Jr. Clerk)

Court Name :- Shri. M.H. Farooqui,
2nd Jt. Civil Judge (Jr. Dn.) and
J.M.F.C., Bhigvan, Dist. Pune.

Date :- 09/06/2026

Order signed by the :- 09/06/2026
presiding officer on

Order uploaded on :- 09/06/2026