

**ORDER BELOW EXH.1**  
**{Passed on 10.03.2026}**

This is an application filed by the applicant for claiming interim custody of the vehicle.

2. In short, the case of the petitioner is that he is the owner of Ashok Leyland vehicle Dost + XLP RLS, bearing registration No.MH-45-AX-2152, Chassis No.MB1AA22E7SRMG0748 and Engine No.NSH204908P. He has purchased the same vehicle for business purpose and livelihood. Police Station Officer of Jath police station seized said vehicle for the offence punishable under Section 11(1)(d),(h),(f) of the Prevention of Cruelty to Animals Act, 1960 and Section 5(1)(a)(b) of Maharashtra Animal Preservation Act and under Section 66(1)/192, 130(1)/177 of Motor Vehicles Act in connection with Crime No.100/2026 registered in Police Station Jath.

3. He further contended that he is registered owner of the vehicle. Hence, he is entitled for its possession. The seized vehicle is presently lying in the premises of Jath police station and exposed to open weather conditions, which may cause deterioration and loss of vehicle, if it is not released to the applicant. He is ready to abide by all the terms and conditions as may be imposed of this Court, in the event of releasing said vehicle. Hence, he prayed to release above said vehicle in his favour.

4. The Investigating Officer filed his say and contended that, the applicant was used the alleged vehicle while commission of offence. If the seized vehicle returned to the applicant, he will use for the commission of

same kind of offence again. Hence, prayed to reject the application. The learned APP has filed say and contended that, the vehicle may be returned to the applicant subject to payment of care and maintenance charges of cattle.

5. Per contra, the Gaushala has filed its say and contended that, on considering, the report/FIR, the animal were carried and the cattle suffered cruelty. The cattle was carried into a goods transport vehicle for slaughtering purpose, which is impermissible. The police have followed the procedure, and handed over the cattle to the Gaushala. Since 20.02.2026 the cattle are in its custody. It is incurring Rs.550/- per cattle per day towards fodder, medical etc. from its own pocket. Therefore, the Gaushala is entitled to recover Rs.550/- per cattle per day. Therefore, the necessary order in that regard may be passed. If the seized cattle returned to the applicant, he will commit same kind of offence again. Hence, prayed to reject the application.

6. Heard both sides and I have carefully perused the entire materials available on record. At the outset, I have to state that, the ownership of the applicant in respect of the seized vehicle is not disputed. In support of the claim, the applicant has filed copy of FIR, verified copy of registration certificate of seized vehicle, copy of insurance and copy of his Adhar Card on record. The copy of registration certificate bears the name of applicant as Salim Dadan Shaikh. No other claimant has appeared before the Court as owner. It reveals that the applicant is the rightful owner of the vehicle in question and he is entitled to the interim custody of vehicle. Therefore, in view of the decisions of the Hon'ble Apex Court and Bombay High Court, the applicant is entitled for custody of the seized vehicle. In such a case, there is no hurdle to release the vehicle in favour of the applicant, being the owner subject to certain conditions.

7. In my view, from the foregoing reasons, good ground is made out to accord for interim custody in favour of the applicant. However, presently the vehicle is in the custody of Police Station, Jath. So also, 3 jersey cows and 2 calf in respect of which offences are alleged to be committed is in the custody of Rajarshi Sevabhavi Sanstha, Dhalgaon, Tal:- Kavathemahankal, Dist:-Sangli and it is necessary to reimburse the expenses incurred by the said Gaushala in maintaining & looking after 5 cattle, from the applicant. Thus, in view of directions given by Hon'ble Bombay High Court Bench at Nagpur in *Sarvoday Goshala Vs State of Maharashtra 2015 All MR (Cri) 2599*, payment of maintenance charges need to be recovered at the rate of Rs.200/- per animal per day from the date of its seizure till its custody handed over to applicant. As per the say of I.O. and Gaushala, the seized cattle were kept in the Gaushala since 20.02.2026. Some of the apprehensions putforth by Ld. A.P.P & I.O. can be taken care of by imposing conditions. Hence in the result, I proceed to pass the following order.

**ORDER**

1. The application is allowed.
2. The PSO, Jath is directed to handover the custody of Ashok Leyland vehicle Dost+XLP RLS, bearing registration No.MH-45-AX-2152, Chassis No.MB1AA22E7SRMG0748 and Engine No.NSH204908P seized by P. S., Jath in crime No.100/2026 registered under Section 11(1)(d),(h),(f) of the Prevention of Cruelty to Animals Act, 1960 and Section 5(1)(a)(b) of Maharashtra Animal Preservation Act and under Section 66(1)/192, 130(1)/177 of Motor Vehicles Act, to the applicant namely Salim Dadan Shaikh in presence of the investigating officer.
3. The applicant shall furnish supurtnama bond in the sum of Rs.5,00,000/( Rs. Five lakh only) specifying and undertaking the conditions as mentioned in this order.
4. The applicant is directed to pay charges to Rajarshi Sevabhavi

Sanstha, Dhalgaon, Tal:-Kavathemahankal, Dist:-Sangli at the rate of Rs.200/per day per animal from date of seizure i.e. 20.02.2026 to 10.03.2026. The Gaushala maintained 5 cattle and incurred expenses from 20.02.2026 to 10.03.2026 i.e. total 19 days and therefore, Gaushala is entitled to claim maintenance of seized cattle @ Rs.200/- per animal per day (total Number of seized cattle is 5 and therefore, per day total charges is of Rs.1,000/-) 19 days care and maintenance charges incurred by Gaushala is Rs.19,000/-.

5. The applicant shall not transfer, sale or create any third party interest in the seized vehicle in any manner till the disposal of the case.
6. The applicant shall undertake that he shall not transport animals in cruel manner violating Rules of the Prevention of Cruelty to transport of Animals Rule, 1978, in the seized vehicle in the future.
7. The Investigating Officer shall prepare detailed panchanama of the seized vehicle alongwith its coloured photographs.
8. The I.O. is also directed to prepare panchanama regarding handing over of the custody of the seized vehicle.
9. The investigating officer is directed to send the copy of Supurtnama, panchanama and relevant documents alongwith charge sheet.

Jath.  
Date:-10.03.2026

(Prakash C. Bachhale)  
Judicial Magistrate First Class, Jath.

**CERTIFICATE**

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

Name of the Stenographer.	:	R.B. Samalewale,
Court.	:	C.J.J.D. & J.M.F.C., Jath.
Date.	:	10.03.2026
Order signed by the Presiding Officer on. :		11.03.2026
Order uploaded on.	:	11.03.2026