

(1) **Criminal Revision Appln. No. 17/2026**
Judgment

Received on : 22.01.2026
Registered on : 23.01.2026
Decided on : 04.04.2026
Duration : 00Y 02 M 07 Ds

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SOLAPUR
(Presided over by D.N.Surwase)

Criminal Revision Application No. 17 of 2026 **Exh.**
(CNR No. MHSO010002052026)

(Arising out of order passed below Exh.1 in Cri. Misc. Appln. No. 276 of 2025 passed by learned J.M.F.C. Court, Mohol, Dist. Solapur, dated 12.01.2026)

Kamaji Bhagwan Bhosale,
Age : 40 years, Occu. : Business, **... Applicant**
R/o.: Khupsungi, Tal. Mangalwedha,
Dist. Solapur.

Versus

The State of Maharashtra

Respondent

Shri. A.N.Shaikh, Ld. advocate for the Applicant
Smt. S.A.Doke, Ld. A.P.P. for the State

J U D G M E N T

(Delivered on this 4th Day of April, 2026)

This revision petitioner is aggrieved by the order of

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learned Judicial Magistrate First Class, Mohol, Dist. Solapur below Exh. 1 dated 12.01.2026 in Cri. Misc. Appln. No. 276/2025 rejecting the application for return of seized pickup vehicle.

02. For the sake of convenience the parties to the present revision application will be referred by their original nomenclatures viz., applicant and the respondent.

03. The criminal miscellaneous application that was filed before the learned J.M.F.C. can be summarized as :-

The applicant sought return of seized Mahindra Bolero pick up vehicle bearing registration NO. MH-13/CU-4033 seized in connection with the C.R. No. 400/2025 by Kamti Police Station, Kamti, Tal. Mohol, Dist.Solapur which has been seized by Kamti police during the investigation of C.R. No.400/2025 registered for the offence punishable under Section 11 of Prevention of Cruelty to Animals Act, 1960 and Section 83,177 of the Motor Vehicles act, 1988.

04. The application was resisted by the prosecution on the grounds that, the seized muddemal is directly connected with the commission of crime. Hence, the custody of the same shall not be handed over to the applicant. It is further contended that, if the vehicle is returned to the applicant, there is possibility of committing similar kind of offences.

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05. Learned advocate for applicant submitted that, the order passed by learned J.M.F.C. is bad in law. The documents and facts of the case are not properly considered. There is no claim of custody or ownership of animal but the applicant is claiming seized vehicle. Further submitted that, learned J.M.F.C. wrongly comes to the conclusion that, under Section 35 of Prevention of Cruelty to Animals Act, there is liability to care and maintenance on the same person.

06. I have gone through the record. Learned J.M.F.C. while rejecting the application filed under Section 503 of B.N.S.S. observed that, the said vehicle was previously involved in transporting the animals illegally. It is observed that, the applicant has not taken proper care which is described under the Motor Vehicle Rules and Transport of Animal Rules. Learned J.M.F.C. ordered to the applicant Rs.200/- per day per animal be deposited to the Goshala and submit indemnity bond of Rs.50,000/-. It is further ordered that, if the amount is not paid, the custody of animals would be given to Goshala and seized vehicle would be treated as security for it.

07. It is to be noted here that, though the applicant is not claiming custody of animals, record indicates that, he was transporting the animals without following the rules. The driver of vehicle i.e. the accused Amar Avghade was not having driving licence. It means the accused was driving the vehicle of present

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applicant without licence and carrying the animal without permission with cruelty. It is to be noted here that, the said vehicle is involved in other crimes i.e. C.R.No. 84/2024 and 289/2024. I am agree with the submissions of leaned APP that, if the vehicle is released, the applicant would again commit similar offence. The applicant cannot say that he has only concern with the vehicle and not with the animals found in vehicle.

08. Transport of Animals Rules, 1978(amended 2001, 2009) and the Motor Vehicles Act, 1988, prevents cruelty to animals and overcrowding while transporting. It is also necessary for the vehicle owner to have special permit or license issued by the Regional Transport Authority to carry the animals or cattles in the vehicle. This is lacking in the present case. I am of the view that, there is no perversity in the order passed by the learned J.M.F.C. I find no merit in this revision and therefore, it is deserves to be dismissed. Hence, following order :-

-:: ORDER ::-

1. Criminal Revision Application No. 17/2026 is hereby dismissed.
2. Inform the learned Judicial Magistrate Mohol, accordingly.

Date : 04.04.2026

(D.N.Surwase)
Additional Sessions Judge,
Solapur.

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CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer - R.S.Sanmukhrao
Court - Addl. Sessions Judge, Solapur.
Date of order/Judgment - 04.04.2026
Date of order/judgment signed by - 04.04.2026
Presiding Officer.
Judgment/Order uploaded on - 04.04.2026