


MHSO200003032026 	<u>CRI. MISC. APPLN. NO. 51/2026</u> (Ramchandra Shinde Vs. State)
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ORDER BELOW EXH. NO. 01
(E Filing No. AMH20230058092C202600002)

This is an application filed U/Sec. 503 of the Bharatiya Nagarik Suraksha Sanhita for releasing his two bulls in the interim custody of applicant. Said two bulls are seized by Sangola Police Station, Dist. Solapur in connection with C.R. No. 117/2026. Application is supported with affidavit. The applicant stated that, he is resident of village Nandgaon, Tal. Athani, Dist. Belgaon. That on 08/02/2026 the applicant had purchased two bulls from Raju Shrishail Gudapgol vide sale-receipt No. 6335 for amount of Rs. 38,000/- at Sangola APMC for the agricultural purpose and to raise live stock. Said bulls were in the possession of applicant for the purpose of transportation. However, the police lodged CR No. 117/2026 against him and seized those bulls, custody of which was given to Shrinath Godham Gaushala, Bamni, Tal. Sangola, Dist. Solapur. Though the bulls belongs to Khilari breed belongs to the applicant and were supposed to be used to agricultural cultivation and live-stock. The case will take it's own time to conclusion. If the bulls remains idle in the custody of Gaushala then there is possibility of causing harm to them and economical loss to the applicant. He further undertakes that he is ready and willing to present the bulls as and when directed by the Court and other conditions which may be imposed by the court. Lastly, prayed

for allowing the application.

2. Investigation Officer filed his say (Exh. 11) and submitted that, appropriate orders regarding maintenance of cattle may be passed.

3. Ld. APP filed her say (Exh. 12) and submitted that, application is false. If custody of the cattle is handed over in favour of applicant then there is possibility of repetition of similar kind of offences. Said cattle is in the custody of Shrinath Godham Gaushala, Bamni, Tal. Sangola. Hence the applicant is required to pay the maintenance charges to them. That, the applicant is resident of Belgaon District, therefore, he will not produce the same as and when required. Finally prayed to reject the application.

4. Intervention application was filed on behalf of Shrinath Godham Gaushala, Bamni, Tal. Sangola, Dist. Solapur below Exh. 08 and submitted that, it is a duly registered trust dedicated to the cause of animal welfare activities. It mainly takes care of old infirm, dumb and sick animals and accept the custody of seized cattle by police station throughout the district. That, Sangola Police Station lodged C.R. No. 117/2026 for offence punishable U/Sec. 11(1), 11(1)(h), 11(1)(i) of the Prevention of Cruelty to Animals Act 1960 against the accused and seized 16 cattle from four vehicles. Cattle were tied to a iron angle in said vehicles for the purpose of selling to the illegal purchasers without making any provision for food, water and medicine. They contended that, the accused/owners/consignors/consignee are liable to pay maintenance amount of the cattle to the Gaushala. Furthermore, the custody of the cattle should be handed over the to Gaushala till pending the trial. The Hon'ble Apex Court and various High Courts on many

occasion have denied the ownership / custody of the animals to such owners / accused of illegal slaughter of animals. Finally prayed to reject the application.

5. After hearing both the sides and reviewing the record this Court has proceeded to pass this order. This application is filed by the applicant for the interim custody of two calves seized by the police. The seizure was conducted on allegations of cruelty under the Prevention of Cruelty to Animals (PCA) Act, 1960, specifically on the ground of lack of food and water provisions. The applicant is willing to abide by the conditions which may be imposed by the court. The interventionist Gaushala opposed the application citing the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017. They argue that custody should remain with the Gaushala until the conclusion of the trial to ensure the welfare of the animals since the cattle was transported without compliance of animal laws and committed cruelty over them. That, from the F.I.R. it reveals that, the cattle were seized from four vehicles wherein the cattle were tied to iron angle without any provision as to food, medicine or water. Thereafter, their custody was handed over to the Gaushala. Moreover, the Gaushala demanded custody charged for the maintenance of the cattle as per the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animal) Rules, 2017.

6. The applicant has produced verified copy of sale-receipts issued by the Sangola APMC dated 08/02/2026 which shows that, the applicant had purchased 02 from Raju Shrishail Gudapgol vide sale-receipt No. 6335 for amount of Rs. 38,000/-. No one other than the applicant has claimed custody of the seized cattle. Thus, the applicant has produced

prima-facie material to show entitlement through APMC receipts. Furthermore, it is the contention of the applicant that, the cattle were purchased at the APMC market for the agricultural purposes on 08/02/2026. The applicant is ready to abide by the conditions for the interim custody of the cattle. In such scenario, the owner is generally the best person to have the custody of the animals pending trial provided he can ensure the animals well being. Furthermore, the allegation that the cattle were tied without any adequate provision in a cruel manner is a matter to be considered at the stage of trial. Furthermore, no prior record as to cruelty has been placed on record. In such scenario, keeping the cattle in the custody of Gaushala indefinitely would impose a heavy financial burden over the applicant. Since, the applicant has produced prima-facie valid title document, the interest of justice will be served by handing over the animals to the applicant subject to strict conditions to ensure their welfare.

7. Moreover, as per rule 5(1) of the Prevention of cruelty to animals(care and maintenance of case property animals) Rules, 2017, the Magistrate is empowered to determine sufficient amount to cover reasonable cost incurred and anticipated for transport and maintenance and treatment of the seized animals. The Magistrate is empowered to direct the owner to execute bond of the determined value with sureties. As per Rule 4(2) of the Prevention of cruelty to animals(care and maintenance of case property animals) Rules, 2017, Magistrate shall use the rates specified by the State Board as the minimum specified rates for transport maintenance and treatment of seized cattle. The Minimum Rates Chart for Animal care and Maintenance issued by the Secretary, Animal Welfare Board of India dated 03/05/2018 which is as under :

Description of the Animal	Daily maintenance and care	Suggested Minimum Rates
--	For small animals	Rs. 125/- per day per animal.
Two bulls	For large animal	Rs. 200/- per day per animal.

In view of Rule 5(1) and 5(5) of the Rules, 2017, accused, owner and vehicle owner are jointly and severally liable for the costs of transport, treatment and care of the animal. In this matter applicant seeking interim custody of seized cattle. Presently, in this matter charge-sheet has not filed. Therefore, trial is not commenced. On perusal of the F.I.R. it appears that, interim custody of seized cattle were handed over to Shrinath Godham Gaushala, Bamni, Tal. Sangola, Dist. Solapur on dated 08/02/2026. Since then, Gaushala is taking care and maintenance of seized cattle. Hence, the intervenor is entitled to the costs of maintenance for the custody of the cattle.

8. Thus, in the light of the above discussion, the applicant is liable for the cost of transport, treatment and care of the animals. In present case, the seized bulls are in the care and custody of Shrinath Godham Gaushala, Bamni, Tal. Sangola, Dist. Solapur since 08/02/2026. Furthermore, charge-sheet has yet to be filed in present case. In the light of above discussion, the intervenor is entitled to the costs of maintenance and the applicant is liable to pay the amount towards maintenance of animals to the Gaushala. Furthermore, the applicant appears to be entitled for the interim custody of seized bulls. Having regard to the aforesaid facts and circumstances, I am of the view that, the following order would meet the ends of justice. In the result, I pass the following order ;

ORDER

1. The application is hereby allowed on following terms and condition ;
 - i) The interim custody of seized two (02) bulls as mentioned above be handed over to the applicant namely Ramchandra Annappa Shinde only after payment of maintenance charges by the applicant, to the Shrinath Godham Gaushala, Bamni, Tal. Sangola, Dist. Solapur at the rate of Rs. 200/- per day per bulls (02 bulls) from the date of seizure i.e. 08/02/2026 till date of this order within three days from the date of this order.
 - ii) The seized two (02) bulls be handed over to the applicant upon execution of supurtnama in the sum of Rs. 50,000/- (Rs. Fifty Thousand Only).
2. The Investigating Officer shall take steps under Rule 3(a) of The Prevention of Cruelty to Animals (Care & Maintenance of Case Property Animals) Rules, 2017 to ensure health inspection, identification and marking of the seized cattle through the jurisdictional Veterinary Officer deployed at Government Veterinary Hospital of the area and such marking may be done by ear tagging or by chipping or by less irksome advanced technology and submit a compliance report along with photographs in the court in that behalf.
3. The record and proceeding of this application be kept along with report, if any filed by the concerned police station arising out of Crime No. 117/2026 registered at Sangola Police Station.
4. Record of the proceedings be attached to the report filed by the Investigating Officer U/Sec. 193 of B.N.S.S.
5. The applicant to undertake that, he shall not sale or transfer above mentioned bulls without prior permission of the Court.
6. The applicant to furnish all the particulars regarding said bulls along with photographs and the applicant to preserve & maintain the bulls in all respects.
7. If any, one claimed right of ownership regarding the said seized bulls then the applicant will be responsible for the consequences arising out of it.
8. Inform concerned police station accordingly through official e-mail ID.

9. The proceeding is completely filed online, therefore, I.O. is further directed to mention about this proceeding in the Charge-sheet.

Date:- 13/03/2026.

(S. S. Salunkhe)
Judicial Magistrate, F.C.,
Court No. 3, Sangola.

CERTIFICATE

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

Name of Stenographer	V. A. Dange
Name of Court	J.M.F.C., Court No. 3, Sangola
Date of Dictation	13/03/2026
Order signed by the PO on	13/03/2026
Order uploaded on	16/03/2026