


MHSO200003342026 	<u>Cri.M.A. No. 53/2026</u> Sartaji Abdulsab Bagwan Vs. State of Maharashtra
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[E-Filing No. AMH20240135892D202600242]

ORDER PASSED BELOW EXH. NO. 01

1. The present application is preferred under the provisions of Section 503 of Bharatiya Nagarika Suraksha Sanhita, 2023.
2. The applicant is praying for custody of the seized vehicle.
3. Following are some important details necessary for determination of this application:-

Applicant	Sartaji Abdulsab Bagwan
R/o.	Devar Hipparagi, Tq.Devar Hipparagi, Dist. Vijapur, State- Karnataka.
Vehicle	Mahindra & Mahindra Bollero Pickup
Registration Number	KA-28-D9789
Chassis Number	MA1ZU2TNKL6G88869
Engine Number	TNL4F78148
Crime Number	117/2026
Police Station	Sangola Police Station

4. It is contention of the applicant that the above vehicle is seized in Cr.No.117/2026 by the Sangola Police Station for the offence punishable under section 11(1), 11(1)(a), 11(1)(f), 11(1)(h), 11(1)(i) of Prevention of Cruelty to Animals Act, 1960, section 47, 54 & 56 of Transport of Animal Rule, 1978. It is further contention

that, vehicle is seized from the custody of the accused namely Dastgirsahab Lalesab Risaldar. Custody of the seized vehicle is very necessary for him. If custody of vehicle is not given to him, he will face loss and damages. Hence, prayed to allow the application.

5. Investigating Officer filed his say and contended that, accused committed serious offence and investigation is in progress. The cattle were tied in the illegal market without any arrangements of water, food & medical aid. Therefore, I.O. has taken their custody and handover those cattle in Shrinath Godham Goshala, Bamani after the spot panchnama. Hence, prayed to pass appropriate order.

6. Ld. APP filed his say at and contended that, application is false one. Applicant being an accused has been charged with section 11(1), 11(1)(h), 11(1)(i) of Prevention of Cruelty to Animals Act. Moreover, there are total in all four cattles. Those were tied in the vehicle and inappropriate manner without fulfilling the basic needs. Therefore, now those are in custody of Goshala. However as per the decision of animal welfare committee the Goshala is liable to incurred Rs.200/- per day per cattle as an expenses carried out by Goshala during the custody. Moreover, the vehicle is seized from the custody of the accused namely Dastgirsahab Lalesab Risaldar. The receipts submitted by the applicant are creates reasonable suspicion at this stage. Hence, prayed for rejection of the application.

7. In this application the Intervenor Shrinath Godham Goshala Bamni filed their say and stated that, Sangola police station has been seized 11 bullocks & 5 Jersey cows and 4 vehicles in registered crime No. 117/2026. Applicant transporting 4 cattles from

his vehicle. Applicant applied for the custody of the seized vehicle. Sangola police station handed over the custody of seized cattle to the Shrinath Godham Goshala, Bamani. All the cattle found tightly packed into the vehicles without any provision for water, food, or medical aid, being transported inhuman condition. Furthermore, the vehicles were not carrying any valid permit or license for animal transport, nor were they equipped with necessary medical provisions.

8. The manner in which the accused / owner was transporting 04 cattle in his own vehicle, it can be said that accused / owners were exporting these cattle for illegal mean at Karnataka state. The animals were in badly cramped condition in the vehicle that they were not able to even move.

9. Hence, this Hon'ble court be pleased to reject the Cri. Misc. Application 53 of 2026 filed by the applicant as prayed. To direct the accused/ cattle owner's/ vehicle owner / transporter / consigner/ consignee to pay a sum of Rs.200 per Circular dated 03/05/2018 issued by the 'Animal Welfare Board of India' and as per the Circular dated 02/ 07/ 2019 issued by Maharashtra Animal Welfare Board as per –

- Sec 35(4) of Prevention of Cruelty to Animal Act, (1960);
- Rule 5(1) of Prevention of Cruelty to Animal (care and Maintenance of case property Animals) Rule,2017;

10. Hon'ble Court be pleased to direct the accused / owners/transporter/consigner/ consignee to execute Bond as per Rule 5 (1) of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017. To hold the vehicle bearing registration no. KA-28-D-9789 as security as per the provision of

Rule 5 (4) of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017. To hold that in the event if the vehicle owners fails to execute the bond and/or pay the amount to the Custodian Gaushala as ordered by this Hon'ble Court within 3 days then in that case the local authority be directed to undertake the costs involved and recover the same as arrears of land by auctioning the vehicle No. KA-28-D-9789, movable and immovable property of applicant owner as per Rule 5 (8) of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017

11. Heard Ld. Advocate of applicant & the Ld. APP for the state. Ld. Advocate of applicant submitted the documents below Exh.4 i.e. copy of R.C. Book of the vehicle, copy of Aadhar Card of applicant, copy of F.I.R.

12. I have given careful consideration to the submission advanced by both sides. Seized cattle are in custody of Shrinath Godham Goshala Bamni since 08/02/2026. 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.

13. The Secretary of the Animal Welfare Board of India issued notification dated 03/05/2018, by which it is directed that every state board to specify the costs of maintenance care and transport within 3 months of commencement of those rules. It was also notified that till the rates are fixed by the state, to follow rates mentioned in the said notification issued by the Secretary of the Animal Welfare Board of India. As per said direction, Maharashtra state board has not issued rules or those are not placed on record by the applicant. Hence, the notification issued by the Secretary of the Animal Welfare Board of India dated 03/05/2018 needs to be followed and those rates are as under:

Class of Animals	Purpose	Suggested Minimum Rates
Cow & cattle	Daily maintenance and care for large animals	Rs.200/- per day per animal
	Daily maintenance and care for small animals	Rs.125/- per day per animal

14. In the said crime there are 4 cattles are seized. In view of above notification it is necessary to maintain and care of seized cattle.

15. The seized cattle is in Shrinath Godham Goshala Bamani since 08/02/2026. The Goshala is entitled to the costs of maintenance. 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 vehicle. On perusal of the F.I.R. it appears that, seized cattle's interim custody

were handed over to Shrinath Godham Goshala Bamani on dated 08/02/2026. Since then, Goshala is taking care and maintenance of seized cattle.

16. Before dealing with the entitlement of interim custody of seized vehicle, it would be appropriate to see the legal provision. As per Section 5(4) of the Prevention of Cruelty to Animals (care and maintenance of case property animals) Rules, 2017, it is necessary to direct the vehicle, which has been involved in an offence, to be held as a security for the purpose of costs and maintenance of the animal. As per plain language, the provision is mandatory. However, holding vehicle as security does not necessarily means to be kept in physical custody. The security can be created even if it is in possession of other person.

17. The applicant is claiming the interim custody of seized Mahindra and Mahindra Bollero Pickup bearing Reg. No.KA-28-D-9789. He has filed on record RC book of the seized vehicle. Documents on record shows that applicant is owner of the seized vehicle. The contention raised by Goshala can be cured by imposing certain conditions while handing over the interim custody of vehicle to the applicant. It will not be appropriate to keep the seized vehicle at police station in view of Judgment of Hon'ble Supreme Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat, SLP 2745/2022*, decided on 01/10/2022. If the interim custody of the vehicle is handed over to the applicant on certain conditions and on supurtnama bond then the same can be seized at any point of time. I therefore pass following order.

ORDER

1. The Police Station Officer, Sangola Police Station is hereby directed to hand over the custody of the seized vehicle Mahindra and Mahindra Bollero Pickup bearing Reg. No.KA-28-D-9789 only in favour of the applicant- Sartaji Abdulsab Bagwan on executing Supurtnama of Rs. 05,00,000/- (Rupees Five Lack only),
2. I.O. is directed to prepare the detailed panchnama of the vehicle and take the photographs of the vehicle from all four sides before releasing the vehicle. The applicant to bear the cost of photographs. The photographs shall be filed to this Court along with report of police.
3. The applicant shall also forthwith submit all the relevant documents of the seized vehicle with I.O.
4. The applicant is directed not to sell, alienate, transfer or create any type of third party interest in the vehicle till further orders of this Court.
5. The applicant shall not change the nature and colour of the vehicle.
6. The applicant shall not use the vehicle in the similar offences.
7. Interim custody of seized vehicle as stated above be given only after payment of maintenance charges by the applicant to Goshala at the rate of Rs. 125/- (Rs. One hundred twenty five only) per day per small animal (20

calf cow) from the date of seizure i.e. 08/02/2026 till today within 3 days of this order.

8. Applicant shall pay future care and maintenance charges of seized cattle as per the standard rate prescribed by the government time to time towards Shrinath Godham Goshala Bamni till the disposal of trial.
9. The seized vehicle held as security.
10. The applicant shall produce the seized vehicle as and when required by the court or by the I.O.
11. The original Supurtnama and true copy of this order be kept with crime papers and be tagged with the charge sheet.

(Smt. A.A.Patil)

Date : 17/03/2026

Judicial Magistrate First Class,
Sangola.

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	:	Kolekar S.S.
Court name :	:	Jt. Civil Judge, J.D. & JMFC, Sangola
Decision Date	:	17/03/2026
Order signed by the Presiding Officer on	:	17/03/2026
Order uploaded on	:	17/03/2026