

CRI. M.A. NO. 55/2026 - ORDER BELOW EXH.1

Raju Duryodhan Gudodagi Vs. State of Maharashtra

CNR NO. MHSO20-000052-2026

The present application is filed by Raju Duryodhan Gudodagi under section 503 of Bharatiya Nagrik Suraksha Sanhita 2023, for granting temporary custody of the vehicle i.e. Bolero Pick UP vehicle of Mahindra and Mahindra Ltd. company bearing Reg. No. MH46-BM-1594, Chasis no. MA1ZN2TBKK1H67167, Engine No. TBK1H73713 which is seized by Sangola Police Station in Crime No.117/2026. The applicant has contended that the value of the said vehicle is worth Rs.5,00,000/- (Five Lac Only). The applicant is the registered owner of the said vehicle. The applicant is ready to abide by the conditions imposed by the Court. Hence, applicant has prayed for release of the vehicle.

02. A say of investigating officer and Ld. A.P.P. was called. A Goshala has also submitted it's say/intervention.

03. Ld. APP and IO filed their say. They submitted that, the vehicle demanded by the applicant has been seized as it was used in the commission of offence under section 11(1), 11(1)(a), 11(1)(f), 11(1)(h), 11(1)(i) of The Prevention Of Cruelty To Animals Act, 1960 and section 47, 54, 56 of The Maharashtra Animal Preservation Act, 1976. The said vehicle was seized while the accused was illegally transporting animals. If the said vehicle is returned to the applicant, then there is a possibility that applicant may change the nature of the vehicle. There is also a possibility of selling it or transferring its ownership. The said vehicle is an important evidence in this crime. Therefore, there is a possibility that important evidence in the said case may be destroyed. On 08/02/2026 the custody of the animals has been entrusted with Srinath Godham Goshal, Bamani. In accordance with the decision of the Hon'ble Supreme Court, it is mandatory to deposit a sum of Rs.12,600/- in the Court to date, calculated at the rate of Rs. 200/- per day for the said animals. Hence, requested to reject the application on the

grounds mentioned in the application. I.O. submitted that it be released upon such terms and conditions as this court thinks proper.

04. The goshala namely Srinath Godham Goshala has filed its say/intervention. It is submitted that, if the said vehicle is released on Supratnama, there is every possibility that the applicant may commit a similar offence in the future. It is further submitted that the present applicant is not a resident of Solapur District, and therefore, if the vehicle is released, there is a likelihood that the said vehicle may not be produced before the Court as and when required. It is further submitted that the said vehicle was found transporting three cows in a highly cruel manner. It is further submitted that the applicant had filed Criminal Miscellaneous Application No. 56 of 2026 before this Hon'ble Court, which was allowed, and this Hon'ble Court directed the release of the cattle subject to payment of the cost of care and maintenance. The applicant, being the owner of the cattle and the claimant in Cri. MA No. 56 of 2026, has deposited the cost of care and maintenance with the Goshala. Therefore, the Goshala has formal objection if this Hon'ble Court decides the present application on its own merits.

06. Read the application and say. Perused the record. Heard Ld. A.P.P. and Ld. advocate for the applicant.

07. The police claimed to have seized the vehicle in connection with the Crime No.117/2026 for the offence punishable u/s. 11(1), 11(1)(a), 11(1)(f), 11(1)(h), 11(1)(i) of The Prevention Of Cruelty To Animals Act, 1960 and section 47, 54, 56 of The Maharashtra Animal Preservation Act, 1976 registered with Sangola Police Station.

08. The applicant has claimed himself to be the owner of seized vehicle. Section 503 of Bharatiya Nagrik Suraksha Sanhita 2023, provides that magistrate may order disposal of property which is reported to be seized

during an inquiry or trial or delivery of such property to the person entitled to. Considering the legal provision, it is incumbent on the applicant to produce reliable material on record to show his entitlement to the custody.

09. The applicant has relied on a copy of R.C. book, copy of Adhar card and F.I.R. On perusal of FIR it seems that vehicle is seized from the custody of applicant. On perusal it appears that the applicant is the registered owner of the seized vehicle. Further, there is no dispute of ownership of said vehicle at this juncture and only interim custody is granted of seized vehicle.

10. The goshala has resisted the application on the ground that, the vehicle owner has to deposit maintenance charges. The vehicle be held as security. If the applicant has no means to furnish the security. The amount of maintenance / bond be recovered as arrears of land revenue.

11. The authority of **Sunderbhai Ambalal Desai Vs. State of Gujrat, AIR2003SC638** provides for direction to pass immediate and appropriate order for the disposal of the seized article for the vehicles etc. instead of keeping them for a long time at the police station.

12. If the said vehicle remained in the custody of the police, then there is possibility of junk and will be of no use. The vehicle owner is jointly and severely liable for the care and maintenance of seized animals. It is necessary to strike balance between rights of the owner and responsibility of maintenance and care of seized cattle. Hence, it would be just and proper to hand over the same to applicant on certain conditions. However as per provisions of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animal) Rules, 2017, it is necessary to impose conditions. Resultantly following order is passed.

ORDER

1. The application is allowed.
2. The vehicle i.e. Bolero Pick UP vehicle of Mahindra and Mahindra Ltd. company bearing Reg. No. MH46-BM-1594, Chasis no. MA1ZN2TBKK1H67167, Engine No. TBK1H73713 which is seized by Sangola Police Station in Crime No.117/2026 be given in interim custody of the applicant on execution of Indemnity Bond of Rs.5,00,000/- (Rupees Five lakhs only) and Nationalized Bank Guarantee of Rs. 5,00,000/-.
 - A. The registered owner shall produce the two latest coloured self-attested photographs of the said vehicle taken from closed view from two different angles at his own expense, to the officer in charge of Sangola Police Station for the identification of the vehicle. The police officer shall facilitate such photography.
 - B. The officer in charge of Sangola Police Station shall upon receiving such photographs shall counter sign the same and prepare a possession receipt cum panchanama after verifying original identity proof of the applicant, handover custody of the seized vehicle to the applicant and forward the photographs and the possession receipt forthwith.
 - C. The registered owner shall keep the said vehicle in identifiable condition and shall not change the original structure of said vehicle.
 - D. The registered owner shall not sale, create any charge over the said vehicle till disposal of Crime No.117/2026.
 - E. The registered owner shall produce the said vehicle as and when necessary in the concern Police Station or in the Court or as per directions of any other competent authority.
 - F. The applicant is jointly and severally liable for cost of transport, treatment and care of animals as per Rule 5(5) of Prevention of

Cruelty to Animals (Care and Maintenance of Case Property Animal) Rules, 2017. The institution having custody of seized cattle shall be at liberty to claim the amount deposited by the applicant by following due procedure.

- G. The applicant shall pay Rs.200/- per day for 3 cows for the care and maintenance of animals from the date of seizure till disposal of case. The applicant shall deposit the said amount for a period commencing for the seizure of the animals till the date of this Order, if already not paid.
- H. The papers of this proceeding, Indemnity Bond, Possession receipt cum Panchanama be kept in charge-sheet of the Crime No.117/2026 of Sangola Police Station.
- I. Applicant shall submit the documents of the vehicle to the investigating officer in Crime No.117/2026 registered with Sangola Police Station if required by investigating officer.

Place: Sangola
Date : 20/03/2026

(Smt. P. R. Kulkarni)
Judicial Magistrate F.C. Sangola

CERTIFICATE

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

Court : Smt. P. R. Kulkarni,
Civil Judge, J.D. & J.M.F.C.
Sangola

Judgment /Order signed by P.O. on : 20/03/2026

Judgment /Order uploaded on : 20/03/2026